

25 West Main Street * Auburn WA 98001-4998 * www.auburnwa.gov * 253-931-3000

October 18, 2012

Washington Utilities and Transportation Commission Attn: Records Center PO Box 47250 Olympia, WA 98504-7250

120828

RE

Docket No. TR-12025, City of Auburn v. Gates, Gates, Gate LLC et.al. Second Agreed Request for Continuance of Filing Deadlines for Witness Testimony

(E-Gue earl # 4396

Dear Clerk:

Enclosed is the Parties' Second Agreed Request for Continuance of Filing Deadlines for Witness Testimony. If you have any questions, I can be reached at 253.804.5027 (voice), 253.931.4007 (fax), or sgross@auburnwa.gov.

Very truly yours,

Steven L. Gross Assistant City Attorney

Encl.

cc: Michael A. Fassio

Office of the Attorney General Utilities and Transportation Division PO Box 40128

Olympia, WA 98504-0128

John M. Casey Curran Law Firm PO Box 140 Kent, WA 98035-0140 Tom Montgomery
Kelsey Endres
Montgomery Scarp

Montgomery Scarp, PLLC 1218 Third Ave; Ste 2700 Seattle, WA 98101

Matthew A. Kitchen Katz Teller Brant & Hild 255 E. 5th Street, Suite 2400 Cincinnati, OH 45202-4724 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Petitioner,

V.

SECOND AGREED REQUEST FOR CONTINUANCE OF FILING DEADLINES FOR WITNESS TESTIMONY

MOHAWK NORTHERN PLASTICS, LLC d/b/a AMPAC; AND BNSF RAILWAY COMPANY,

As provided for in WAC 480-07-385(3)(c), the parties submit this agreed request for a two- week continuance in the deadlines for filing witness testimony.

The Commission issued its August 23, 2012, Prehearing Conference Order, and on October 4, 2012, granted the parties' previous stipulated motion to extend the deadlines for filing testimony.

The parties participated in a settlement conference on September 25, 2012. They have been negotiating in good faith towards a resolution of this matter; however, last-minute details and the schedules of the parties' attorneys have resulted in the

SECOND AGREED REQUEST FOR CONTINUANCE OF FILING DEADLINES FOR WITNESS TESTIMONY Page 1 of 2

Respondents.

CITY OF AUBURN
Legal Department
25 West Main Street
Auburn Washington 98001-4998
(253) 931-3030 FAX (253) 931-4007

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parties not being able to fully complete their negotiations, and prevented a more timely request for continuance.

All parties continue to negotiate in good faith, and request a two-week extension of some of the filing deadlines in order to facilitate negotiations.

The parties propose that Petitioner file direct testimony on November 2, 2012, Respondents and Staff file testimony on January 7, 2013, and rebuttal testimony to be filed on January 18, 2013. The hearing date will remain unchanged...

Dated this 17th day of October, 2012.

(Note: Respondents and staff have authorized Petitioner to sign this motion on their behalf).

Daniel B. Heid, WSBA #8217 Steven L. Gross, WSBA #24658 Attorneys for Petitioner, City of Auburn Michael A. Fássio, WSBA #37139 Attorney for Utilities and Transportation Commission Staff

Tom Montgomery, WSBA #19998 Kelsey Endres, WSBA #39409 Attorneys for BNSF Railways (Mr. Casey was unavailable. Mr. Gates, President of Gates, Gates, Gates LLC authorized signature)

John M. Casey, WSBA #24187 Attorney for Gates, Gates and Gates

Joseph B. Genster, WSBA #14968 Attorney for Mohawk Plastics, LLC