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BEFORE THE WASHINGTON STATE

UTILITIES AND TRANSPORTATION COMMISSION HEARINGS BOARD

CITY OF SPOKANE VALLEY, a municipal corporation,

Complainant,

vs.

UNION PACIFIC RAILROAD COMPANY (aka UPRR),

Respondent.

No. TR-210814; 210809

UNION PACIFIC RAILROAD COMPANY’S RESPONSE AND JOINDER IN COMMISSION STAFF’S MOTION TO CONSOLIDATE DOCKETS

**I. RELIEF REQUESTED**

1. Union Pacific Railroad Company (“Union Pacific”), by and through undersigned counsel, respectfully submits this Response and Joinder to the Commission Staff’s Motion to Consolidate Dockets.

**II. BACKGROUND FACTS**

2. On October 25, 2021, the City of Spokane Valley (the “City”) filed its Petition and Complaint with the Commission.<sup>1</sup>

3. On November 22, 2021, Union Pacific filed a single motion to dismiss both the Complaint and Petition.

4. On December 2, 2021, the City filed its single response to the motion to dismiss.

<sup>1</sup> Petition was filed under docket TR-210809 and Complaint was filed under docket TR-210814.

1 5. On December 2, 2021, Commission filed a motion in both dockets to consolidate  
2 the dockets TR-210908 and TR-210814, pursuant to WAC 480-07-320.

3 **III. LEGAL ISSUES**

4 6. Should the dockets numbers TR-210809 and TR-210814 be consolidated?

5 **IV. ARGUMENT**

6 7. WAC 480-07-320 provides that the Commission may, at its discretion,  
7 consolidate two or more proceedings in which the facts or principals of law are related. Here, the  
8 Petition and Complaint both concern the same project and the same issues. For this reason,  
9 Union Pacific joins the Commission Staff's motion to consolidate.

10 **V. CONCLUSION**

11 8. Union Pacific joins the motion and requests that docket numbers TR-210809 and  
12 TR-210814 be consolidated.

13  
14 DATED this 8<sup>th</sup> day of December, 2021

LEWIS BRISBOIS BISGAARD & SMITH LLP

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25

**DECLARATION OF SERVICE**

I hereby declare under penalty of perjury under the laws of the State of Washington that I caused a true and correct copy of the foregoing to be served via the methods below on this 8<sup>th</sup> day of December, 2021 on the following counsel/party of record:

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<p>Washington Utilities &amp; Transportation Commission</p>	<p><input checked="" type="checkbox"/> <a href="http://efiling.utc.wa.gov/form">efiling.utc.wa.gov/form</a></p>
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/s/ Elizabeth Pina  
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