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6 **BEFORE THE WASHINGTON**
7 **UTILITIES AND TRANSPORTATION COMMISSION**

8 CITY OF AUBURN,

9 Petitioner,

10 v.

11 GATES, GATES, GATES LLC;
12 MOHAWK NORTHERN PLASTICS,
13 LLC d/b/a AMPAC; AND BNSF
14 RAILWAY COMPANY,

Respondents.

DOCKET TR-120828

SECOND AGREED REQUEST FOR
CONTINUANCE OF FILING
DEADLINES FOR WITNESS
TESTIMONY

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

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

21 The parties participated in a settlement conference on September 25, 2012.
22 They have been negotiating in good faith towards a resolution of this matter; however,
23 last-minute details and the schedules of the parties' attorneys have resulted in the
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1 parties not being able to fully complete their negotiations, and prevented a more timely
2 request for continuance.

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

5 The parties propose that Petitioner file direct testimony on November 2, 2012 ,
6 Respondents and Staff file testimony on January 7, 2013, and rebuttal testimony to be
7 filed on January 18, 2013. The hearing date will remain unchanged..
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10 Dated this 17th day of October, 2012.

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

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14 Daniel B. Heid, WSBA #8217
15 Steven L. Gross, WSBA #24658
16 Attorneys for Petitioner, City of Auburn

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18 Michael A. Fassio, WSBA #37139
19 Attorney for Utilities and Transportation
20 Commission Staff

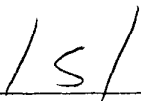
21 

22 Tom Montgomery, WSBA #19998
23 Kelsey Endres, WSBA #39409
24 Attorneys for BNSF Railways

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26 (Mr. Casey was unavailable. Mr. Gates,
27 President of Gates, Gates, Gates LLC
authorized signature)

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

28 

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