

October 18, 2012

**NOTICE GRANTING MOTION FOR CONTINUANCE**

Re: *City of Auburn v. Gates, Gates, Gates LLC; Mohawk Northern Plastics, LLC d/b/a AMPAC; and BNSF Railway Company*, Docket TR-120828

TO ALL PARTIES:

On August 23, 2012, the Washington Utilities and Transportation Commission (Commission) issued Order 01 – Prehearing Conference Order in the above-referenced docket establishing a procedural schedule (Order 01).

On September 28, 2012, the City of Auburn filed with the Commission, on behalf of all parties, a Stipulated Motion to Amend Prehearing Conference Order. The Commission granted the request by notice issued October 4, 2012 (Notice).

On October 18, 2012, the City of Auburn filed with the Commission, on behalf of all parties, a second agreed request for continuance of filing deadlines for witness testimony. The City’s request seeks to extend, by another two weeks, the deadlines set out in Order 01 and the October 4, 2012, Notice. The City of Auburn explains that, while the parties have been diligently working towards settling this matter, additional time is needed to fully complete their negotiations. All parties stipulate to the requested continuance.

The Commission finds that the parties have demonstrated good cause to continue these filing deadlines and grants the request as follows:

<b>Event</b>	<b>Prior Deadline</b>	<b>New Deadline</b>
Petitioner (City of Auburn) Prefiled Direct Testimony	October 19, 2012	November 2, 2012
Respondents and Staff Prefiled Responsive Testimony	December 28, 2012	January 7, 2013
All Parties Prefiled Rebuttal/Cross-Answer Testimony	January 14, 2013	January 18, 2013
Evidentiary Hearing / Public Hearing	February 12, 2013	No Change

**PLEASE TAKE NOTICE That the Commission grants the City of Auburn's request for continuance of certain filing deadlines and adopts the revised procedural schedule as indicated above.**

ADAM E. TOREM  
Administrative Law Judge