

[Service Date November 19, 2008]

November 19, 2008

**NOTICE OF OPPORTUNITY TO FILE ANSWERS TO  
MOTION FOR RECONSIDERATION  
(Deadline for Answers: Friday, December 5, 2008, at 3:00 p.m.)**

**NOTICE ESTABLISHING DEADLINE  
FOR ENTERING ORDER ON RECONSIDERATION  
(Deadline for Order on Reconsideration: Friday, January 16, 2009)**

RE: *BNSF Railway Company v. City of Mt. Vernon.*, Docket TR-070696

TO ALL PARTIES:

On November 14, 2008, Western Valley Farms, L.L.C. (Western Valley Farms), filed with the Washington Utilities and Transportation Commission (Commission), a Motion for Reconsideration of Order 06, *Final Order on Review, Granting Administrative Review; Modifying initial Order Granting Petition to Close Hickox Road Grade Crossing Subject to Conditions*, entered November 4, 2008.

According to WAC 480-07-850(3), no party may file an answer to a petition for reconsideration unless requested by the Commission. The Commission finds that answers to Western Valley Farms' motion would aid in the resolution of the issues presented in the motion and the Commission provides an opportunity for parties to file answer by Friday, December 5, 2008, by 3:00 pm.

In addition, under RCW 34.05.470 and WAC 480-07-850(5), a petition for reconsideration is deemed denied 20 days after the date the petition is filed unless the Commission acts on the petition or issues notice of the date by which it will act on the petition. Given the press of other regulatory business, the Commission gives notice that it will act on Western Valley Farms' motion for reconsideration by Friday, January 16, 2009.

**NOTICE IS HEREBY GIVEN That the deadline for filing answers to the motion for reconsideration is Friday, December 5, 2008 by 3:00 p.m.**

**NOTICE IS FURTHER GIVEN That the Commission will act on Western Valley Farms' motion for reconsideration by Friday, January 16, 2009.**

Sincerely,

DAVID W. DANNER  
Executive Director and Secretary