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January 4, 2010

VIA EMAIL [pcclark@utc.wa.gov]
AND HAND-DELIVERED

David Danner, Executive Director
Washington Utilities and Transportation Commission
1300 S Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

Attn: Patricia Clark, Administrative Law Judge

Re: *Meeker Southern Railroad v. Pierce County Public Works and Utilities*
UTC DOCKET TR-081407

**PETITIONER MEEKER SOUTHERN RAILROAD'S REQUEST FOR AN
ORDER VOLUNTARILY DISMISSING THE PENDING PETITION UNDER
UTC DOCKET TR-081407 WITHOUT PREJUDICE TO THE FILING AND
PROCESSING OF A NEW PETITION**

Dear Judge Clark:

On behalf of my client Petitioner Meeker Southern Railroad and in follow-up to the Monday, December 7, 2009 status conference call that Petitioner's manager Byron Cole, John Salmon (attorney for Pierce County Public Works), and Jonathan Thompson (attorney for WUTC Staff) and I all had with you, I am now writing to advise you that on December 31, 2009, Pierce County and the Petitioner entered into a written Settlement Agreement concerning Petitioner's proposed rail spur and related improvements, an agreement that, among other things, calls for the Petitioner to:

- (1) File a motion with the WUTC seeking a dismissal of its original Petition to Modify an Existing Highway-Rail Grade Crossing (with such dismissal to be sought without prejudice to the filing of a new petition); and
- (2) File a new "Petition to Modify a Highway Rail Grade Crossing" in a particular form attached as an exhibit to the Settlement Agreement.

Pursuant to that Settlement Agreement, this letter is intended to serve as Petitioner's motion seeking a dismissal of its original petition without prejudice to a filing of a new petition. Please

STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
2010 JAN -4 PM 3:59
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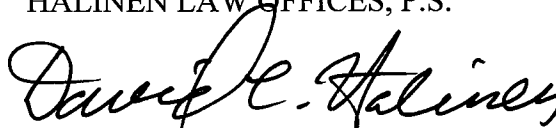
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issue such an order of dismissal, without prejudice, which is what was discussed during the status conference call.

Thank you for your courtesies to the Petitioner and the other parties during the pendency of this case. Please let me know if you have any questions.

Sincerely,

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David L. Halinen

- cc: John F. Salmon III, Deputy Pierce County Prosecuting Attorney (via email and first class mail)
- Jonathan Thompson, Washington Attorney General's Office (via email and hand-delivered)
- Records Center, Washington Utilities and Transportation Commission (via email [records@utc.wa.gov] and hand-delivered)
- Meeker Southern Railroad
Attn: Byron Cole, Manager (via email and first class mail)