



3 While entitled a “motion to dismiss,” Meeker’s petition is most comparable to a motion to withdraw.<sup>2</sup> Meeker does not seek to affect the rights of any other party to this proceeding; so the Commission concludes that it is unnecessary to await responses to the motion in order for this matter to be ripe for adjudication.

4 The Commission determines that the motion to dismiss the current petition, without prejudice, should be granted. It is apparent that Meeker no longer seeks the relief requested in the initial petition but rather intends to file a new petition regarding the highway/rail grade crossing at issue. That petition will be considered by the Commission on its own merit. Accordingly, this docket no longer serves the purpose for which it was initiated. Having granted the motion to dismiss, without prejudice, this docket should be closed.

5 IT IS SO ORDERED.

Dated at Olympia, Washington, and effective January 6, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

### **NOTICE TO THE PARTIES**

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

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<sup>2</sup> WAC 480-07-380.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and 5 copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250