

[Service Date August 15, 2011]

August 15, 2011

**NOTICE CANCELING MEDIATION
(Scheduled for Tuesday, August 16, 2011)**

RE: *Petitions on Behalf of Puget Sound and Pacific Railroad to Close Five Highway- Rail Grade Crossings in the City of Elma and Grays Harbor County, Washington;*
Dockets TR-110157, TR-110159, TR-110160, TR-110161, and TR-110162
(consolidated)

TO ALL PARTIES:

On July 19, 2011, the Washington Utilities and Transportation Commission (Commission) issued Order 02 – Prehearing Conference Order. Order 02 states, among other things, that the parties agree to attempt resolution of this matter via mediation.

The Commission appointed Administrative Law Judge Adam E. Torem to act as mediator in this matter.

On August 15, 2011, Mr. James Baker, Senior Deputy Prosecuting Attorney from Grays Harbor County emailed Judge Torem, informing him that “the County remains opposed to closure of any of the crossings involved and, due to other emergent pressing issues, none of the County’s commissioners [are] available to participate in the mediation.” He also states that the County does not believe that mediation is likely to produce any satisfactory results and, accordingly, asks that the mediation be cancelled.

Judge Torem replied to the email asking whether the remaining parties would be interested in continuing the mediation in the dockets involving the City of Elma. Ms. Montgomery indicated her belief that the City was unwilling to consider any crossing closures at this time.

On the basis of these communications, it appears that it would serve no useful purpose to proceed with the scheduled mediation session on August 16, 2011.

NOTICE IS GIVEN That the mediation scheduled for Tuesday, August 16, 2011, is canceled.

The mediator informed the parties that he remains available to facilitate further discussions between them, if they agree it might be useful to resume their efforts to settle this dispute.

Sincerely,

ADAM E. TOREM
Mediator/Administrative Law Judge