

[Service Date September 21, 2005]

September 21, 2005

**NOTICE MODIFYING PROCEDURAL SCHEDULE**

Re: City of Kennewick v. Union Pacific Railroad  
Docket No. TR-040664

TO ALL PARTIES OF RECORD:

On June 6, 2005, the Commission entered Order No. 04—Order Establishing Procedural Schedule, Notice of Hearing in the above matter. In that order the Commission set out a new hearing schedule agreed upon by the parties. On September 19, 2005, the City of Kennewick (City) contacted the Commission with a request to extend its testimony filing date from September 19, 2005, to September 26, 2005.

The City explains that since the parties have directed their focus on resolution of the issues in the case, the City and Union Pacific Railroad (UPRR) are behind in the discovery schedule. UPRR agrees to the extension. Commission Staff has no objection to the extension since there is adequate time between the filing of testimony and the hearing date to accommodate moving out all testimony filing dates a week.

The Commission modifies the procedural schedule as set forth below.

	<u>From</u>	<u>To</u>
City of Kennewick files testimony	September 19, 2005	September 26, 2005
Commission Staff files testimony	October 10, 2005	October 17, 2005
Railroad files evidence	October 31, 2005	November 7, 2005
Dispositive motions, if any	December 5, 2005	Date remains the same
Answers, if any, to any dispositive motions	December 12, 2005	Date remains the same
Prehearing Conference (if necessary) to mark exhibits and to resolve objections and process issues	January 9, 2006	Date remains the same
Hearing begins	January 19, 2006	Date remains the same

Sincerely,

KAREN M.CAILLÉ  
Administrative Law Judge