

# Montgomery Scarp, PLLC

Attorneys  
Seattle Tower, 27th Floor  
1218 Third Avenue  
Seattle, Washington 98101

William T. Montgomery†  
Bradley P. Scarp

Telephone (206) 625-1801  
Facsimile (206) 625-1807

Kelsey E. Endres  
Jeremy H. Rogers  
Teresa J. Bryan\*

†Also admitted in Alaska

\*Also admitted in Maryland and  
the District of Columbia

---

November 28, 2012

VIA WEB PORTAL & U.S. MAIL

David W. Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

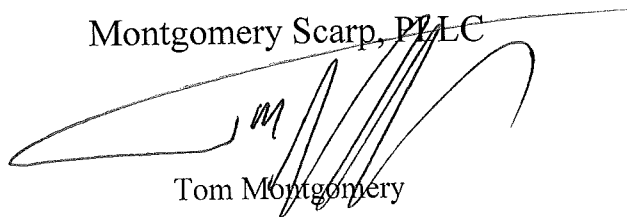
**Re: Docket No. TR-120828 - City of Auburn v. Gates, Gates, Gates, LLC, et al.**

Dear Mr. Danner:

By this letter, BNSF Railway Company waives its right to petition for administrative review of Order 02, Initial Order Granting Motion to Withdraw Petition. The purpose of this waiver is to allow the Order to become final before the time limits for review expire, thereby expediting the expected re-filing by the City of Auburn of a modified petition.

Very truly yours,

Montgomery Scarp, PLLC

A handwritten signature in black ink, appearing to be 'Tom Montgomery', written over a horizontal line.

Tom Montgomery

cc: all parties