

Montgomery Scarp MacDougall, PLLC

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Of Counsel:
Robert E. Walkley*
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November 17, 2006

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

RE: WUTC Crossing No.: 2A1673.50U
USDOT Crossing No.: 084493W

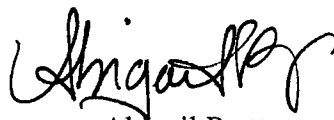
Dear Ms. Washburn:

Enclosed please find the original and 8 full copies of BNSF's Notice of Appearance in the above-referenced matter.

Please do not hesitate to call should you have any questions or comments.

Very truly yours,

Montgomery Scarp MacDougall, PLLC



Abigail Pratt
Paralegal to Tom Montgomery

RECORDED
INDEXED
NOV 20 2006
1300 S. EVERGREEN PARK DRIVE
OLYMPIA, WA 98504-7250

Enclosure

RECEIVED
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
OCT 10 10 08 57

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

CHELAN COUNTY,

Petitioner,

vs.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET NO. TR-061442

NOTICE OF APPEARANCE

WUTC CROSSING NO: 2A1673.50U
USDOT CROSSING NO. 084493W

TO: Washington Utilities and Transportation Commission

AND TO: Carole J. Washburn, Executive Secretary, WUTC, and to Gary A. Riesen,
Chelan County Prosecuting Attorney

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that without waiving the defenses of lack of jurisdiction over the person, improper venue, insufficiency of process, or insufficiency of service of process or any other defense permitted or required under CR 12, the BNSF Railway Company, hereby enters its appearance in the above-entitled action through the law firm of Montgomery Scarp MacDougall, PLLC, by and through its appearing attorneys Tom Montgomery, Bradley Scarp, Allan L. MacDougall, and Leslie Fleming and requests that all

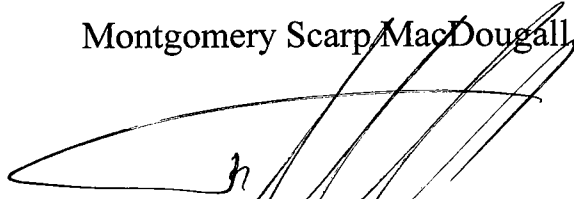
MONTGOMERY SCARP MACDOUGALL, PLLC
1218 Third Avenue, Suite 2700
Seattle, Washington 98101
Telephone (206) 625-1801
Facsimile (206) 625-1807

ORIGINAL

1 pleadings, papers and notices of every character in the above entitled cause should be served upon
2 said attorneys at their address stated.

3 DATED this 17th day of November, 2006.

4 ~~Montgomery Scarp MacDougall, PLLC~~

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7
8 Tom Montgomery, WA. Bar No. 19998
9 Bradley Scarp, WA. Bar No. 21453
10 John MacDougall, WA. Bar No. 1251
11 Leslie Fleming, WA. Bar No. 32368
12 Of Attorney for Defendant
13 BNSF Railway Company
14 1218 Third Ave., Ste. 2700
15 Seattle, WA 98101
16 Tel. (206) 625-1801
17 Fax (206) 625-1807
18 Tom@montgomeryscarp.com
19 Brad@montgomeryscarp.com
20 John@montgomeryscarp.com
21 Lesley@montgomeryscarp.com
22
23
24
25
26
27

CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp MacDougall, PLLC, whose address is 1218 Third Avenue, Suite 2700, Seattle, Washington, 98101.


I hereby certify that true and complete copies of defendant's *NOTICE OF APPEARANCE* have been sent via U.S. Mail and Facsimile to the following interested parties:

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
Fax: (360) 586-1150

Gary A. Riesen
Chelan County Prosecuting Attorney
Louis N. Chernak
Chelan County Prosecuting Attorney's Office
401 Washington Street, 5th Floor
P.O. Box 2596
Wenatchee, WA 98807
Fax: (509) 667-6490

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 17th day of November, 2006 at Seattle, Washington.


Abigail Pratt, Legal Assistant

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