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4 **BEFORE THE WASHINGTON STATE**
5 **UTILITIES AND TRANSPORTATION COMMISSION**

6 BENTON COUNTY,

7 Petitioner,

8 v.

9 BNSF RAILWAY COMPANY,

10 Respondent.

DOCKET TR-100572

**JOINT MOTION TO PERMIT
TELEPHONIC TESTIMONY**

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13 The Petitioner, Benton County, by and through its attorney,
14 Reid Hay, of the Benton County Prosecuting Attorney's Office, and
15 the Respondents, BNSF Railway Company, by and through its attorney,
16 Kelsey E. Endres, of Montgomery Scarp MacDougall, PLLC, and the
17 Washington Utilities and Transportation Commission Staff, by and
18 through its attorney, Fronda Woods, Assistant Attorney General,
19 hereby stipulate to and request that the Commission permit certain
20 witnesses that have submitted pre-filed testimony to appear by
21 telephone at the December 14, 2010 hearing in this matter.
22

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24 Specifically, BNSF proposes that one of its witnesses, Ward
25 Angelos, be permitted to appear telephonically, and Benton County
26 proposes that two of its witnesses, Adam Fyall and Josh Regan, be
27 permitted to appear telephonically.
28

1 Appearance by telephone is permitted at the discretion of the
2 Commission pursuant to RCW 34.05.449(3) and WAC 10-08-180, and the
3 parties anticipate that the testimony and cross-examination of
4 these three witnesses will be limited in nature, and that
5 appearance by telephone will not prejudice the rights of the
6 parties.
7

8 Dated this 8th day of December, 2010.

9
10 ANDY MILLER
11 Prosecuting Attorney

12 By: Reid Hay
13 REID W. HAY, Deputy Prosecuting
14 Attorney
15 Attorneys for Benton County
16 WSBA No. 34584

17 MONTGOMERY SCARP MACDOUGALL, PLLC

18 By: See attached
19 KELSEY E. ENDRES
20 Attorney for BNSF Railway
21 WSBA No. 39409

22 WASHINGTON STATE ATTORNEY
23 GENERAL'S OFFICE

24 By: See attached
25 FRONDA WOODS
26 Attorney for UTC **Staff**
27 WSBA No. 18728
28

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CERTIFICATE OF SERVICE

I certify that I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

Bradley P. Scarp
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Seattle, WA 98101

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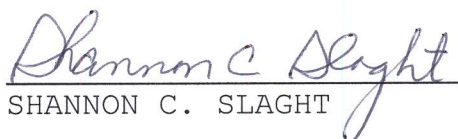
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DATED this 8th day of December, 2010, at Kennewick, Washington.


SHANNON C. SLAGHT

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11 Prosecuting Attorney

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13 REID W. HAY, Deputy Prosecuting
14 Attorney
15 Attorneys for Benton County
16 WSBA No. 34584

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18 By: Kelsey E. Endres
19 KELSEY E. ENDRES
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22 WASHINGTON STATE ATTORNEY
23 GENERAL'S OFFICE

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25 FRONDA WOODS
26 Attorney for UTC
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20 Attorney for BNSF Railway
21 WSBA No. 39409

22 WASHINGTON STATE ATTORNEY
23 GENERAL'S OFFICE

24 By: *Fronda Woods*
25 FRONDA WOODS
26 Attorney for UTC Staff
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