

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

BENTON COUNTY,	)	DOCKET TR-100572
	)	
Petitioner,	)	
	)	ORDER 05
v.	)	
	)	
BNSF RAILWAY COMPANY,	)	ALLOWING WITNESSES TO
	)	APPEAR BY TELEPHONE
Respondent.	)	CONFERENCE CALL
	)	
.....	)	

**MEMORANDUM**

- 1 On April 9, 2010, Benton County (County) filed with the Washington Utilities and Transportation Commission (Commission) a petition to construct a highway-rail grade crossing at Piert Road, Benton County. BNSF Railway Company (BNSF) contests the petition.
- 2 The evidentiary hearing in this proceeding is scheduled for December 14, 2010, at the Commission’s headquarters in Olympia, Washington.
- 3 On December 10, 2010, Benton County filed a motion on behalf of all active parties requesting permission to have certain witnesses appear by telephone conference call rather than in person. The motion represents that there will be limited cross examination for these witnesses and that the parties agree no one will be prejudiced by their failure to participate in person.
- 4 Although the Commission has a strong preference for witnesses to appear in person during evidentiary hearings, in this instance it will exercise its discretion to make an exception based on the current posture of the case in terms of pre-filed testimony and the parties’ representations in their joint motion.

**ORDER**

**THE COMMISSION ORDERS THAT:**

- (1) Benton County is given leave to have Messrs. Fyall and Regan appear to give their testimony and be subject to oral examination via telephone conference call.
- (2) BNSF is given leave to have Mr. Angelos appear to give their testimony and be subject to oral examination via telephone conference call.

Dated at Olympia, Washington, and effective December 13, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge