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A Washington Professional Limited Liability Company

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August 17, 2005

Washington Utilities and Transportation Commission
Chandler Plaza
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504

RE: *Petition TR-050967*

Dear Sir or Madam:

This firm represents the Tri-City and Olympia Railroad, which leases the Port of Benton's rail system.

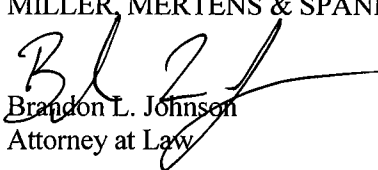
The above Petition, which was recently filed with a letter signed by Peter M. Beaudry, Public Works Director of the City of Kennewick, does not identify either the petitioner or the respondent. I do not know whether the Tri-City and Olympia Railroad in this pleading. No service of process of any kind has been made on the Tri-City and Olympia Railroad. The first that I heard of this claim was from the attorney for the Port of Benton.

Please note our appearance in this matter and keep me advised of any further proceedings.

By copy of this letter, I am advising the City of Kennewick of our appearance in this matter, through the attached Notice of Appearance forwarded to John Ziobro, attorney for the City of Kennewick.

Very truly yours,

MILLER, MERTENS & SPANNER, P.L.L.C.


Brandon L. Johnson
Attorney at Law

BLJ/jch
Enclosure

cc: John Ziobro, City Attorney
City of Kennewick (w/ enclosure)
Daryl D. Jonson
Client

K99295/LTR-WUTC 050817

RECEIVED
05 AUG 19 11 08:44
OFFICE OF THE
ATTORNEY GENERAL
1000 4TH AVENUE
SEASIDE WA 98148

RECEIVED
05 AUG 19 10 08:44
OFFICE OF THE
CLERK OF THE
COMMISSION

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

)	NO. TR-050967
)	
Petitioner,)	NOTICE OF APPEARANCE
)	
vs.)	
)	
)	
Respondent.)	

TO: WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
AND TO: CITY OF KENNEWICK

PLEASE TAKE NOTICE that **MILLER, MERTENS & SPANNER, P.L.L.C.**,
 hereby makes and enters its appearance in the above-entitled proceeding on behalf of **TRI-CITY**
AND OLYMPIA RAILROAD.

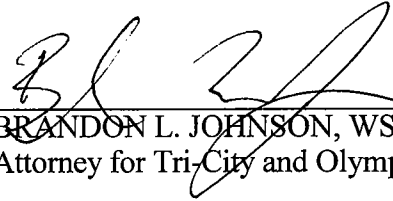
YOU ARE HEREBY REQUESTED to serve all future pleadings and papers, except
 process, upon the undersigned at the address below.

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D A T E D this 17th day of August 2005.

MILLER, MERTENS & SPANNER, P.L.L.C.

By: 
BRANDON L. JOHNSON, WSBA #30837
Attorney for Tri-City and Olympia Railroad

[K99295/NTC-Appearance 050816]