

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

CITY OF FIFE,)	DOCKET TR-100098
)	
Petitioner,)	ORDER 03
)	
v.)	ORDER GRANTING JOINT
)	REQUEST FOR CONTINUANCE
UNION PACIFIC RAILROAD,)	OF FILING DEADLINE
)	(Deadline for Prefiling Rebuttal and
Respondent.)	Cross-answering Testimony is
)	September 30, 2010)
.....)	

- 1 **NATURE OF PROCEEDING:** On January 13, 2010, the City of Fife (City or Fife) filed with the Washington Utilities and Transportation Commission (Commission) a Petition to open a pedestrian-only at-grade crossing at 54th Avenue East in Fife. Union Pacific Railroad (UPRR or Railroad) opposed the proposal.

- 2 By Order 02, Prehearing Conference Order, entered May 20, 2010, the Commission, among other things, established a procedural schedule in this matter. On September 17, 2010, all parties filed a joint motion to extend the deadline of September 24, 2010, for filing rebuttal and cross-answering testimony to September 30, 2010. The parties asserted that the extension was necessary because the Commission Staff served the Railroad with interrogatories for which responses are due September 23, 2010, and UPRR and the City continue to explore settlement options.

- 3 According to WAC 480-07-385, the Commission will grant a continuance if the requesting party demonstrates good cause and the continuance will not prejudice any party or the Commission. The Commission finds that extending the deadline for filing rebuttal and cross-answering testimony in order to afford the parties the opportunity to conduct discovery and pursue settlement options constitutes good cause. In addition, no party opposes the request so no party should be prejudiced by granting the continuance. The continuance does not prejudice the Commission. Accordingly, the request to extend the deadline for filing rebuttal and cross-answering testimony is granted. All other deadlines in the procedural schedule remain unchanged.

ORDER

4 THE COMMISSION ORDERS That the joint motion for a continuance of the deadline to file rebuttal and cross-answering testimony is granted. **The deadline for prefiling rebuttal and cross-answering testimony is September 30, 2010.**

Dated at Olympia, Washington, and effective September 20, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge