

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY,)	DOCKET NO. TR-140382 and
)	DOCKET NO. TR-140383
Petitioner,)	
)	PETITIONER BNSF'S MOTION TO
vs.)	FILE TESTIMONY OF KEN
)	BEARCHIEF
)	
YAKIMA COUNTY ROADS,)	
)	
Respondent.)	

I. RELIEF REQUESTED

1. Pursuant to WAC 480-07-375 (1) (d), Petitioner BNSF respectfully requests that the Washington Utilities and Transportation Commission (“Commission”) allow the filing of the supplemental testimony of Mr. Ken Bearchief.

II. BACKGROUND INFORMATION

2. Per the Commission’s Order 02, BNSF timely filed its pre-filed testimony on December 31, 2014. BNSF had intended to file the pre-filed testimony of Mr. Bearchief on that date, as well. However, Mr. Bearchief had spinal surgery and was in and out of the hospital for several weeks, and therefore unavailable and unable to prepare his declaration.

3. BNSF respectfully requests authority to file the testimony of Mr. Bearchief at this time. A copy of his pre-filed testimony is attached.

MONTGOMERY SCARP, PLLC
1218 Third Avenue, Suite 2500
Seattle, Washington 98101
Telephone (206) 625-1801
Facsimile (206) 625-1807

4. Per the Commission's Order 02, responding parties' pre-filed testimony is not due to be filed for another three weeks, until February 13, 2015.

DATED this 23rd day of January, 2015.

Montgomery Scarp, PLLC

A handwritten signature in black ink, appearing to read "Bradley Scarp", written over a horizontal line.

Bradley Scarp, WSBA# 21453
Attorney for Petitioner
brad@montgomeryscarp.com

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, PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that the original and 3 copies of PETITIONER BNSF'S MOTION TO FILE TESTIMONY OF KEN BEARCHIEF has been sent by FedEx to Steven King at WUTC and a PDF version filed electronically. I also certify that true and complete copies have been sent via electronic mail to the following interested parties:

Kenneth W. Harper
Menke Jackson Beyer, LLP
807 North 39th Avenue
Yakima, WA 98902

Rayne Pearson
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

Gary Ekstedt
Yakima County Dept of Public Services
County Engineer/Assistant Director
128 N. 2nd Street, Room 408 (Courthouse)
Yakima, WA 98901-2639

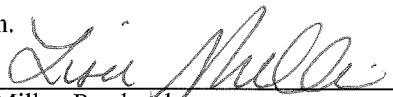
Ethan Jones
Associate Attorney
Confederated Tribes and Bands of the Yakama Nation
P.O. Box 151
401 Fort Road
Toppenish, WA 98948

Al Pinkham
Engineering Planner
Confederated Tribes and Bands of the Yakama
Nation
P.O. Box 151
401 Fort Road
Toppenish, WA 98948

Joseph Sexton
GLANADA BROADMAN, PLLC
8606 35th Ave NE, Suite L1
P.O. Box 15146
Seattle, WA 98115

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

DATED this 23rd day of January 2015 at Seattle, Washington.



Lisa Miller, Paralegal