



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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February 5, 2015

NOTICE GRANTING REQUEST TO FILE TESTIMONY

RE: *BNSF Railway Company v. Yakima County*,
Dockets TR-140382 and TR-140383

TO ALL PARTIES:

This proceeding arises out of petitions from BNSF Railway Company (BNSF) filed with the Washington Utilities and Transportation Commission (Commission) on March 10, 2014, seeking closure of the N. Stevens highway-rail grade crossing near the City of Toppenish, Yakima County (Docket TR-140382), and closure of the Barnhart highway-rail grade crossing near the City of Mabton, Yakima County (Docket TR-140383). Yakima County objected to the proposed closures, as did the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) and the Washington Farm Bureau.

On November 4, 2014, the Commission convened a second prehearing conference in these dockets. On November 6, 2014, the Commission issued an order granting Commission Staff's motion for withdrawal and revising the procedural schedule. The revised procedural schedule includes a December 31, 2014, due date for BNSF's pre-filed testimony. On January 27, 2015, BNSF filed a motion requesting permission to file testimony from witness Ken Bearchief. In its motion, BNSF explained that Mr. Bearchief recently underwent spinal surgery and was unable to complete his testimony by the December 31 due date.

No other party objected to BNSF's request, and we find that granting it would not prejudice the parties. The Commission finds good cause to accept the late filing and grants BNSF's request.

THE COMMISSION GIVES NOTICE That BNSF's request for an extension of the filing deadline is granted, and the Commission accepts Mr. Bearchief's testimony as timely filed.

RAYNE PEARSON
Administrative Law Judge