



Public Service Commission
State of North Dakota

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April 19, 2004

Michael A. Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, IL 60606-6677

Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 416X); The Burlington Northern and Santa Fe Railway Company Abandonment between Souris, North Dakota and Westhope, North Dakota, NDPSC Docket NO. RR-04-175.

Dear Mr. Smith:

On April 15, 2004, the North Dakota Public Service Commission (NDPSC) received a letter from you dated April 12, 2004, advising that Burlington Northern and Santa Fe Railway Company (BNSF) intends to file with the Surface Transportation Board, a Notice of Exemption seeking authority to abandon 15.50 miles railroad line in North Dakota. There was not Notice of Intent to Abandon included in this filing, and there is no reference to the exemption provisions BNSF will be asking the Surface Transportation Board to apply.

The NDPSC needs to have the correct exemption provisions in order to fulfill its obligations to notify affected shippers and government officials in North Dakota. Please provide a Notice of Intent to Abandon with the necessary information as soon as possible.

Thank you for your prompt attention.

Sincerely,


William W. Biniek
Chief Counsel