



Public Service Commission
State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

Mr. Allen C. Hoberg
Office of Administrative Hearings
1707 North 9th Street, Lower Level
Bismarck, ND 58501

Re: BNSF Railway Company
Review of Private RR Crossings
Application
Case No. RR-09-651

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. A hearing for case No. RR-09-651 will begin December 1, 2009, at 10:00 a.m. at the Commission Hearing Room, State Capitol, 12th Floor, 600 E. Boulevard Ave., Bismarck, North Dakota.

A copy of the Notice of Hearing as well as the other relevant documents for this case is enclosed. The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Annette Bendish
Legal Counsel

enclosure
c: w/Notice of Hearing Stephen Plambeck



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the BNSF Railway Company Review of Private RR Crossings - Application
 Case No. RR-09-651

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 49-11 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 BNSF Railway Company is asking the Commission to review seven private railroad crossings and to issue an order determining whether or not audible devices warning of a train's approach will be sounded at these crossings.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY North Dakota Public Service Commission	Address 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505	Telephone Number 701-328-2400
Representation Annette Bendish, Legal Counsel	Address Same as above	Telephone Number 701-328-2421
PARTY BNSF Railway Company	Address 801 Main Street Fargo, ND 58102	Telephone Number 701-280-7215
Representation Stephen W. Plambeck	Address P. O. Box 1525, Williston, ND 58802-1525	Telephone Number 701-577-5544
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments
 A hearing for case No. RR-09-651 will begin December 1, 2009, at 10:00 a.m. at the Commission Hearing Room, State Capitol, 12th Floor, 600 E. Boulevard Ave., Bismarck, North Dakota.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Annette Bendish	Date October 16, 2009
Signature of Requesting Person x <i>Annette Bendish</i>	Telephone Number 328-2421