



OFFICE OF ADMINISTRATIVE HEARINGS

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December 2, 2009

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PUBLIC SERVICE COMMISSION

Annette Bendish
Legal Counsel
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

Re: BNSF Railway Company
Case RR-09-651
OAH File No. 20090336

Dear Ms. Bendish:

On December 1, 2009, I presided as a procedural administrative law judge at the hearing in the matter of an application from BNSF Railway Company to review private railroad crossings. The hearing is closed. Accordingly, I am closing our file on this matter and returning that portion of the record I have in my possession to you.

I have enclosed a list of the witnesses who testified at the hearing (Lynn Leibfried, Marc Halvorson, James Chase, Ron Huff, and James Olson), a list of the exhibits admitted into the record, including one which will be a late-filed exhibit, and the exhibits. Also enclosed are copies of documents that have been transmitted to us, as well as originals and copies of documents received while the file was in our possession, for filing with the official agency record of this matter. If you have any questions, please let me know.

Thank you for your attention to this matter.

Sincerely,

Bonny M. Fetch
Administrative Law Judge

BMF/lmw

Encl.

Cc: Stephen Plambeck, counsel for BNSF Railway Company

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Letter Closing File