

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNSF Railway Company**  
**Review of Private RR Crossings**  
**Application**

**Case No. RR-10-26**

**AFFIDAVIT OF SERVICE BY CERTIFIED MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**John Hamre** deposes and says that:

he is over the age of 18 years and not a party to this action and, on the **28th** day of **January, 2010**, he deposited in the United States Mail, at Bismarck, North Dakota, **two** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing photocopy of:

**Notice of Hearing**

The envelopes were addressed as follows:

Stephen W. Plambeck  
Nilles Law Firm  
1800 Radisson Tower  
PO Box 2626  
 Fargo, ND 58108-2626

Jim Styron  
Transportation Project Manager  
North Dakota Department of  
Transportation  
608 E. Blvd. Ave.  
Bismarck, ND 58505

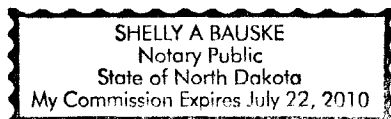
**Cert. No. 7007 0710 0003 6055 1671**

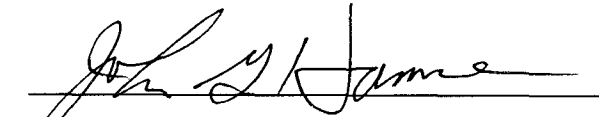
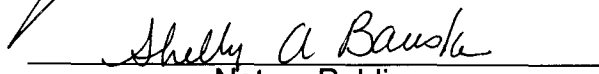
**Cert. No. 7007 0710 0003 6055 1664**

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **28th** day of **January, 2010**

SEAL



  
\_\_\_\_\_  
  
\_\_\_\_\_  
Notary Public

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**BNSF Railway Company  
Review of Private Railroad Crossing  
Application**

**Case No. RR-10-26**

**NOTICE OF HEARING**

**January 27, 2010**

On January 8, 2010, BNSF Railway Company filed an application requesting the Commission review the Fraine Barracks railroad crossing in Bismarck, North Dakota and asked the Commission to issue an order under North Dakota Century Code section 49-10.1-21 determining whether this crossing is a public or private railroad crossing, and if private, if audible devices warning of a train's approach will be sounded at this crossing under North Dakota Century Code section 49-11-21.

A public hearing on the application is scheduled to begin **March 1, 2010 at 1:30 p.m.** in the **Brynild Haugland Room, Ground Floor, State Capitol, 600 E Boulevard Ave, Bismarck, North Dakota.** The issues to be considered are:

1. Whether the Fraine Barracks railroad crossing (DOT # 087680P) is a public or private railroad crossing as defined by section 49-11-00.1.
2. If the Fraine Barracks railroad crossing (DOT # 087680P) is a private crossing, whether the railroad should sound a warning device based on the safety concerns of the public.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

**PUBLIC SERVICE COMMISSION**

 <b>Tony Clark</b> Commissioner	 <b>Kevin Cramer</b> Chairman	 <b>Brian P. Kalk</b> Commissioner
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