

James D. Christianson

1009 E. Highland Acres Rd.
Bismarck, ND 58501
(701) 258-4800
Fax (701) 258-4840
gojc@qwestoffice.net

RECEIVED

February 22, 2010

FEB 22 2010

Annette Marie Bendish
Attorney at Law
ND Public Service Commission
600 E. Boulevard Ave, Dept 408
Bismarck ND 58505

PUBLIC SERVICE COMMISSION

RE: PSC Case #RR-10-26 (BNSF/Fraire Barracks crossing) – Petition to Intervene

Dear Ms. Bendish:

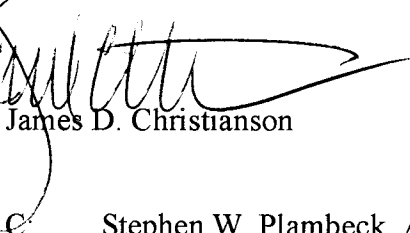
Pursuant to NDCC 69-02-02-05, please consider this petition in the form of a letter request for permission to intervene in the March 1, 2010 public hearing of the referenced matter. Seven copies of this petition are attached, as required.

I am petitioning as a natural-born United States citizen and resident of Bismarck, North Dakota. I am a licensed North Dakota real estate agent. I have lived in Highland Acres since 1983 and have sold many residential properties in that neighborhood. I will be filing an affidavit in opposition to BNSF's request that the Fraire Barracks crossing be determined to be "public," and in opposition to BNSF's request that they be allowed to sound train horns at that crossing. I also expect to testify at the public hearing.

My affidavit will include written correspondence regarding the status of this crossing from BNSF petitioner Lynn Leibfried and from Federal Railroad Administration Regional Crossings Manager Tammy Wagner. It is my understanding that Ms. Leibfried and Ms. Wagner will both present at the public hearing, and that both will be available to provide verbal testimony. I would like the opportunity to question either or both of them.

Accordingly, I respectfully request that I be granted intervener status in this matter. Thank you for your consideration.

Sincerely,



James D. Christianson

Stephen W. Plambeck, Attorney for petitioner BNSF
(via facsimile #701-280-0762)

16 RR-10-26 Filed: 2/22/2010 Pages: 1
Request to Intervene