



OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF NORTH DAKOTA
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March 3, 2010

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RECEIVED

MAR 04 2010

PUBLIC SERVICE COMMISSION

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

Re: BNSF Railway Company
Case RR-10-26 (Fraine Barracks Crossing)
OAH File No. 20100036

Dear Ms. Bendish:

On March 1, 2010, I presided as a procedural administrative law judge at the hearing in the matter of an application from BNSF Railway Company to review the Fraine Barracks railroad crossing. The hearing is concluded. 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 the attendance sheet signed by members of the public who were present at the hearing, a list of witnesses, a list of the exhibits admitted into the record, and the exhibits. The record was held open until March 12, 2010, for receipt of additional information from Bill Wocken, City of Bismarck, and Tammy Wagner, Federal Railroad Administration. You may mark those documents as late-filed exhibits upon receipt.

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 Comp

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Letter Closing Filing and Returning Documents