

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNSF Railway Company
Review of Private Railroad Crossing
Application

Case No. RR-10-26

NOTICE OF INTENT TO CONSIDER INFORMATION NOT PRESENTED AT A HEARING

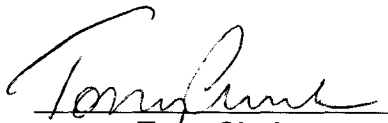
March 24, 2010

Under North Dakota Century Code section 28-32-25, the Public Service Commission gives notice that it intends to consider information in its possession that was not presented as evidence at a hearing and that has been filed in this proceeding by Colonel Steven Tabor, North Dakota National Guard, docket number 40. The information in docket number 40 is identified as a letter stating that limiting Fraine Barracks to one access point would impose restrictions on the North Dakota National Guard's ability to operate. A copy of docket number 40 is attached.

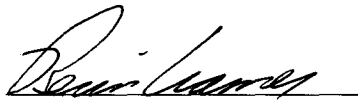
You are hereby advised that you have the right, upon written request, to examine the information or evidence and to present your own information or evidence and to cross-examine the person furnishing the information or evidence. Any such written request must be filed within ten (10) days of the date of this Notice.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; of 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 Darrell Nitschke, Executive Secretary at least 24 hours in advance.

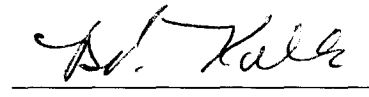
PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
President



Brian P. Kalk
Commissioner

**JOINT FORCE HEADQUARTERS
DIVISION OF FACILITIES ENGINEERING
NORTH DAKOTA NATIONAL GUARD
PO BOX 5511, BISMARCK, ND 58506-5511**

March 2, 2010

RECEIVED

MAR 02 2010

PUBLIC SERVICE COMMISSION

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

Subject: Fraine Barracks Railway Crossing

Dear Ms. Bendish.:

The Office of the Adjutant General would like to submit the following additional information regarding the Fraine Barracks railroad crossing.

Limiting Fraine Barracks to one access point will impose severe restrictions on our ability to operate. Any type of street construction or underground utility improvements in the vicinity of our main entrance could eliminate access for the duration of the project. When this type of construction has occurred in the past, the rear gate is manned and becomes the primary and only available access point to Fraine Barracks.

If you have any questions regarding this issue, please feel free to contact me at (701) 333-2075.

Sincerely,



Steven A. Tabor
Colonel, North Dakota National Guard
Director of Facilities Engineering

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Additional Information Regarding Fraine Barracks
RR Crossing

Joint Force Headquarters, North Dakota National Guard

Steve A. Tabor, AIA