

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 **21st** day of **October, 2010**, he deposited in the United States Mail, at Bismarck, North Dakota, three 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
PO Box 2626
Fargo, ND 58108-2626

Steven A. Tabor, Colonel
Director of Facilities Engineering
North Dakota National Guard
P.O. Box 5511
Bismarck, ND 58506-5511

Cert. No. 7007 0710 0003 6056 9164

Cert. No. 7007 0710 0003 6056 9157

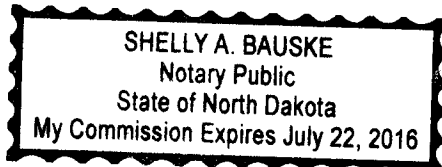
Bill Wocken
Bismarck City Administrator
221 N. 5th St.
Bismarck, ND 58506

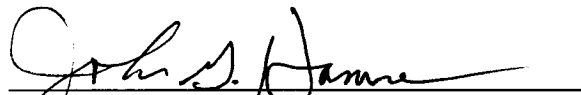
Cert. No. 7007 0710 0003 6056 9140

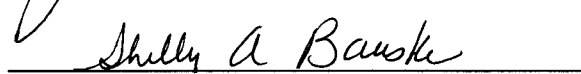
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **21st** day of **October, 2010**

SEAL







Notary Public

58 **RR-10-26** Filed: 10/21/2010 Pages: 2
Affidavit of Service by Certified Mail - Notice of Hearing

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. RR-10-26

NOTICE OF HEARING

October 20, 2010

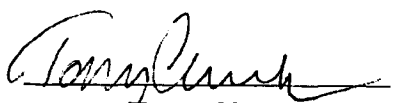
On May 18, 2010, the North Dakota Public Service Commission issued an Order stating that the Fraine Barracks railroad crossing in Bismarck, ND, would be a private crossing after certain modifications were made to the crossing. The Order also stated that audible devices warning of a train's approach should not be sounded at this crossing after the specified modifications to this crossing have been made, unless an exception under North Dakota Century Code Section 49-11-21 applies. The Commission is reopening the record in this case to incorporate relevant evidence regarding the crossing arising subsequent to May 18, 2010.

A public hearing on this case is scheduled to begin November 29, 2010 at 1:30 p.m. in the Public Service Commission Hearing Room, 12th Floor, State Capitol, 600 E Boulevard Ave, Bismarck, North Dakota. The issues to be considered are:

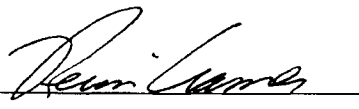
1. What modifications have been made to the Fraine Barracks crossing?
2. Whether modifications made to the Fraine Barracks crossing are sufficient to comply with the Commission's May 18, 2010 Order supporting a determination that the Fraine Barracks crossing is a private crossing?
3. Whether the railroad should discontinue sounding a warning device at the Fraine Barracks crossing, unless an exception under N.D.C.C. Section 49-11-21 applies?

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.

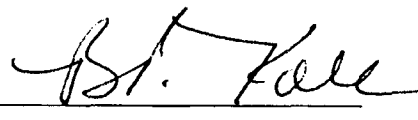
PUBLIC SERVICE COMMISSION



**Tony Clark
Commissioner**



**Kevin Cramer
Chairman**



**Brian P. Kalk
Commissioner**