

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNSF Railway Company
Review of Private RR Crossings
Application

Case No. RR-10-27

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

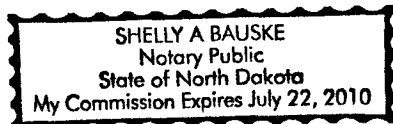
Cert. No. 7007 0710 0003 6055 1695

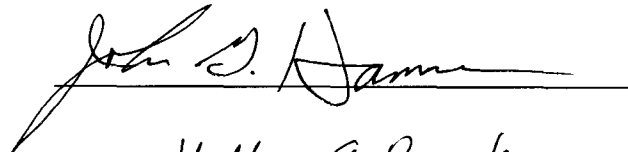
Cert. No. 7007 0710 0003 6055 1688


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**

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NOTICE OF HEARING

January 27, 2010

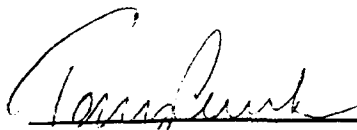
On January 12, 2010, BNSF Railway Company filed an application requesting the Commission review two private railroad crossings near Manvel, North Dakota and asked the Commission to issue an order determining whether audible devices warning of a train's approach will be sounded at these crossings under North Dakota Century Code section 49-11-21.

A **public hearing** on the application is scheduled to begin **March 1, 2010 at 10:00 a.m.** in the **Commission Hearing Room, State Capitol, 12th Floor, 600 E Boulevard Ave, Bismarck, North Dakota.** The issues to be considered are:

1. Whether the railroad should sound a warning device at private crossing, DOT # 062517W near Manvel, based on the safety concerns of the public.
2. Whether the railroad should sound a warning device at private crossing, DOT # 062518D near Manvel, 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



**Tony Clark
Commissioner**



**Kevin Cramer
Chairman**



**Brian P. Kalk
Commissioner**