



Public Service Commission
State of North Dakota

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Darrell Nitschke

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28 September 2012

John Risch
United Transportation Union
750 Augsburg Ave.
Bismarck, ND 58504

Re: Cargill Incorporated, Wahpeton - Rail Clearance Variance
PSC Case No. RR-12-746

Dear Mr. Risch:

Cargill Incorporated has filed the enclosed application for a variance from the state's rail clearance law for an infringement into rail clearance at the Cargill Corn Milling facility in Wahpeton, North Dakota. Red River Valley & Western Railroad indicates that it is not opposed to this variance request, (also attached).

Your input concerning this application would be appreciated. If I do not hear from you by 11 October 2012, I will assume that you are not opposed to the requested variance.

Best regards,

Ilona A. Jeffcoat-Sacco
General Counsel

enclosure

2 RR-12-746 Filed: 9/28/2012 Pages: 4
Letter to UTU requesting input concerning
application for variance

Public Service Commission

Ilona A. Jeffcoat-Sacco



RECEIVED

September 17, 2012

SEP 21 2012

PUBLIC SERVICE COMMISSION

Darrell Nitschke, Executive Secretary
ND Public Service Commission
State Capitol
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Nitschke:

Cargill Inc. of Wahpeton, ND hereby applies for a variance from rail clearance standards as prescribed by Section 49-10.1-13 of the North Dakota Century Code. This variance request involves improvements to our rail track with respect to our overhead walkway. The rail was raised slightly during track improvements and as result there is 16'10" between the top of the rails and bottom of the overhead walkway.

A layout of the modifications to our refinery load out north track is enclosed. "Close Clearance" signs are already posted on each side of the walkway.

The structure will not create a safety hazard to our employees or to the employees of the Red River Valley & Western Railroad. Your favorable review will be appreciated.

If you have any questions regarding this submission, please feel free to contact me at (701) 671-1908. My email address is anne_stav@cargill.com.

Sincerely,

Anne Stav, Refinery Process Engineer
Cargill Corn Milling

1 RR-12-746 Filed: 9/21/2012 Pages: 3
Request for variance with letter in support of
request for variance

Cargill Incorporated

Anne Stav, Refinery Process Engineer



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SEP 21 2012

PUBLIC SERVICE COMMISSION

September 16, 2012

Darrell Nitschke, Executive Secretary
ND Public Service Commission
State Capitol
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

Dear Darrell:

Cargill at Wahpeton, ND has requested a variance from rail overhead clearance standards for their refinery loadout north track overhead walkway as prescribed by ND Century Code Section 49.101.1-13. Some track improvements were recently made resulting in a slight raise in the track. The overhead walkway measures 16'10" from top of rail to the catwalk.

This structure is used for loading railcars and is used primarily by Cargill employees. Our employees are not allowed to ride the top of railcars.

The Red River Valley & Western Railroad supports this request.

Should you have any questions regarding this letter, please contact me at (218) 643-4994. Thanks again for your help!

Sincerely,

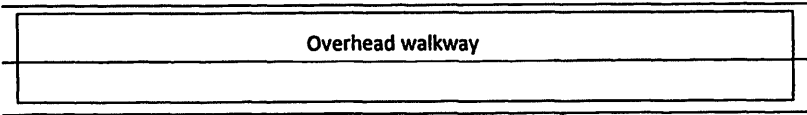
A handwritten signature in cursive script that reads "Cynthia Olson".

Cynthia Olson
Manager-Operations/Administration

enc

c:\my doc\variance.cargill.support refinery catwalk.docx

**Cargill Wahpeton Refinery Load Out
North Track Layout**



16'10" height
between rail tracks
and overhead
walkway

