



Public Service Commission
State of North Dakota

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600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

18 September 2015

Brian Sweeney
BNSF Railway Company
325 Cedar St. Suite 620
Saint Paul, MN 55101-1012

Re: Basin Electric Power Cooperative
Rail Clearance Variance – DGC AREA Loading Facility
Application
Case No. RR-15-676

Dear Mr. Sweeney:

Attached is a request for a rail clearance variance regarding the Dakota Gasification UREA loading facility. Your input concerning this request would be greatly appreciated.

Best regards,

Darrell Nitschke
Director of Administration

attachment

Hamre, John G.

From: Nitschke, Darrell D.
Sent: Friday, September 18, 2015 2:28 PM
To: Hamre, John G.
Subject: FW: Dakota Gasification UREA Loading Facility Rail Clearance Issue
Attachments: DGC w Urea Plant.pdf; Loadout Clearance.pdf

From: Dale Niezwaag [<mailto:dalen@bepc.com>]
Sent: Monday, August 31, 2015 10:37 AM
To: Nitschke, Darrell D. <dnitschk@nd.gov>
Cc: Jeffcoat-Sacco, Illona <ijs@nd.gov>; Jean Schafer <JeanS@bepc.com>; Dale Niezwaag <dalen@bepc.com>; Mike Eggl <MEggl@bepc.com>; Tara Vesey <TVesey@bepc.com>
Subject: Dakota Gasification UREA Loading Facility Rail Clearance Issue

Darrell: Attached to this email you will find a map of the DGC facility and a detailed engineering drawing of the specific area we are discussing. Below you will find a map with an arrow indicating the exact location of the loadout facility at the plant. As you will remember from previous emails DGC is trying to complete the engineering stages of an expansion of the plant to produce UREA. To do this DGC needs BNSF approval of the track drawings for the Urea Plant. As part of this process of approval from BNSF, they have indicated that the clearance for the gangway over the Urea Loading area does not meet clearance code for ND.

Per the PSC, Century Code 49-10.1-13 (bottom of page 2), DGC would need to have 21' above and 8' from center of rail free. The statute indicates that there can be exceptions. The statute is listed:

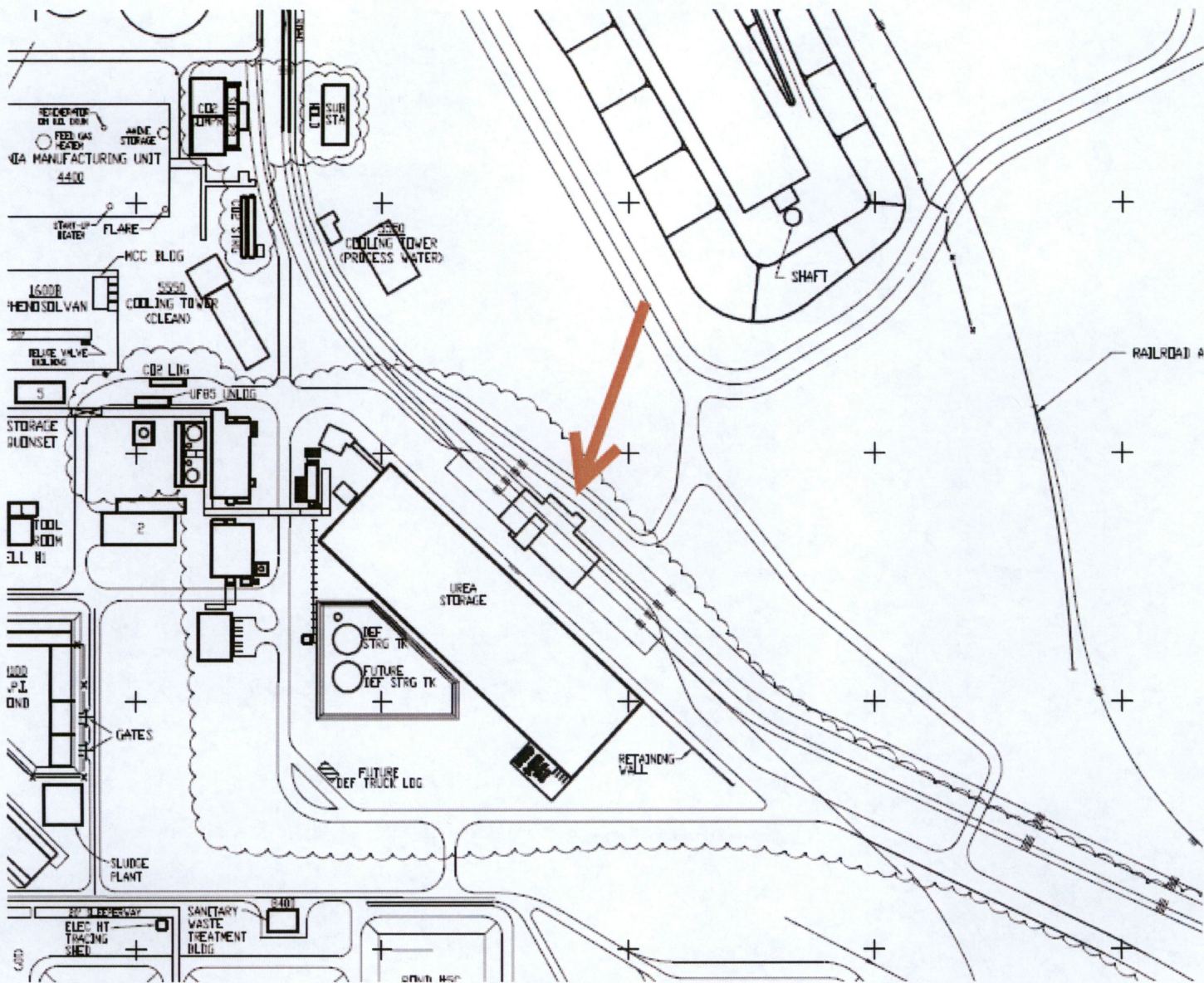
<http://www.legis.nd.gov/cencode/t49c10-1.pdf?20150713135440>

Also in section 2 of 49-10.1-13. Clearance required for tracks, the code refers to Station Freight House allowance of 4' and we believe that this portion of the statute would apply for the loading gangway inside the facility. As we discussed the term "Station Freight House" doesn't seem to have a specific definition in code but it appears to be widely understood that it would also refer to an area with a loading dock or loading area which is the application at DGC.

The loading gangway at the DGC loading facility is 14'6" high and 8'8" off center. Thus we are just off on the height portion.

Attached is a drawing of what the plant will look like after the Urea Plant is finished. The area that we are looking for the Station Freight House exception is defined below (obviously straddling the rail as it is a loadout building):

1 **RR-15-676** Filed: 8/31/2015 Pages: 6
Request for variance



What we are looking for would be a letter from the PSC indicating that the area in question would qualify for the Station Freight House clearance provisions. Please let us know if you need any additional information or if you would like sit down and clarify the issue.

Thanks for your time and consideration of this issue.

Dale Niezwaag

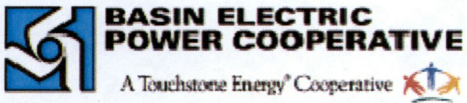
Dale Niezwaag

Sr. Legislative Representative
 Basin Electric Power Cooperative
 1717 E Interstate Ave
 Bismarck, ND 58503

e-mail: dalen@bepec.com

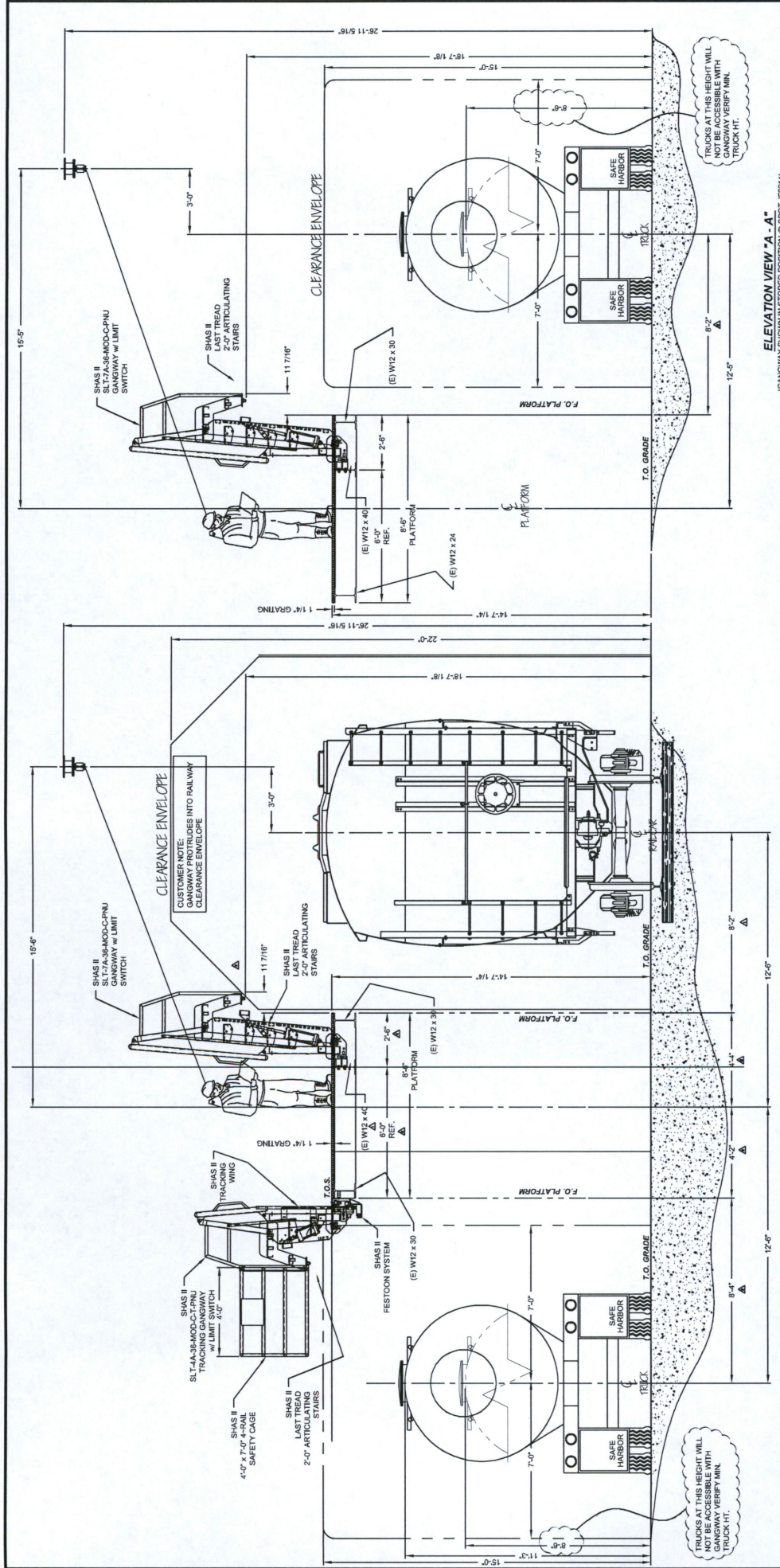
phone: 701.557.5795

web: basinelectric.com



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ELEVATION VIEW "A - A"
(GANGWAY SHOWN IN WORKING STORED @ SPOT #F8213)

ELEVATION VIEW "A - A"
(GANGWAY SHOWN IN STORED POSITION @ SPOT #F8214)

TO BE COMPLETED BY SUPPLIER

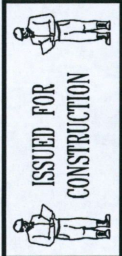
DATE	10-Aug-2015
BY	JRETH
FOR	10-Aug-2015
BY	JRETH

DATE: 10-Aug-2015
BY: JRETH

TO BE COMPLETED BY CONTRACTOR

DATE	10-Aug-2015
BY	JRETH
FOR	10-Aug-2015
BY	JRETH

DATE: 10-Aug-2015
BY: JRETH



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REPRESENTATIVES WHO HAVE A NEED TO KNOW IN
ORDER TO EVALUATE THE SENDER'S PROPOSAL.

REC. BY	JRETH	DATE	10/20/15	CHANGES PER CUSTOMER MARK UPS - CHANGED DRAWING OF LAST TREAD
APP. BY	JRETH	DATE	10/20/15	MEMBER SIZE CHANGES AND DIMENSIONS
REV. BY	JRETH	DATE	10/20/15	DESCRIPTION

SAFETY HARBOR ACCESS SYSTEMS, LLC
FLORENCE, S.C.
P.O. BOX 511 ~ ZIP 29503
TEL 1-888-257-9955
FAX 843-679-6889

CUSTOMER	DAVITA GARGAPORTON PLANT
LOCATION	FLORENCE, S.C.
SCALE	1/4" = 1'-0"
DATE	5/14/2015
SCALE	1/4" = 1'-0"
DATE	5/14/2015
SCALE	1/4" = 1'-0"
DATE	5/14/2015
SCALE	1/4" = 1'-0"

REV-1
15-193
A4