

**PUBLIC SERVICE COMMISSION  
STATE OF NORTH DAKOTA**

**MEMORANDUM**

**TO:** Commissioners Fedorchak, Christmann, Kalk  
**FROM:** Darrell Nitschke  
**DATE:** September 29, 2015  
**RE:** Basin Electric Power Cooperative - RR Clearance Variance  
Case No. RR-15-676

On August 31, 2015, the Commission received a request from Basin Electric Power Cooperative for a variance from the state's rail clearance law. The request involves the installation of a loading gangway.

On September 18, 2015 we have received a letter of no protest from The United Transportation Union and on September 28, 2015 we received an e-mail of no protest from BNSF conditional upon Basin posting signs saying not to ride rail cars and with placement of reflective tape on anything that falls within the clearance envelop that would be visible to train crews.

I recommend that Basin Electric Power Cooperative's request be granted.