

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Mid America Steel, Inc.
Rail Clearance Variance - Mid America Steel Fargo
Application

Case No. RR-17-260

AFFIDAVIT OF SERVICE BY E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

John G. Hamre deposes and says that:

he is over the age of 18 years and not a party to this action and, on the 27th day of July, 2017, he electronically mailed to 2 addresses an electronic copy of:

Order Granting Clearance Variance

The electronic messages were addressed as noted below:

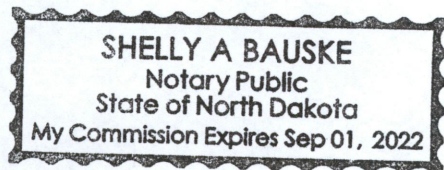
Lee Holschuh
Mid America Steel, Inc.
lholschuh@midamsteel.com

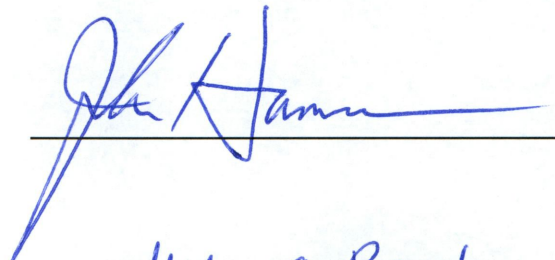
Aric Rude
Mid America Steel, Inc.
aric@midamsteel.com

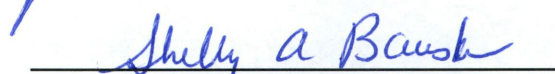
The addresses shown are the respective addressee's last reasonably ascertainable electronic mail addresses.

Subscribed and sworn to before me
this 27th day of July, 2017.

SEAL







Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Mid America Steel, Inc.
Rail Clearance Variance - Mid America Steel Fargo
Application**

Case No. RR-17-260

ORDER GRANTING CLEARANCE VARIANCE

July 26, 2017

On June 29, 2017, the Public Service Commission received an application from Mid America Steel, Inc. (Mid America) for a variance from the rail clearance standards prescribed by Section 49-10.1-13 of the North Dakota Century Code. Mid America is seeking authorization to build a rail car pass through of two overhead doors (see attachment A).

On July 11, 2017, the Commission notified Burlington Northern Santa Fe Corporation (BNSF) and SMART Union Transportation Division (SMART) about the clearance variance application and requested comments.

On July 18, 2017, SMART responded stating no objection to the application.

On July 20, 2017, BNSF responded stating no objection to the application.

We find that granting the application is in the public interest.

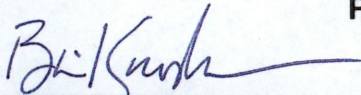
The governing statute allows the Commission to grant variances from the prescribed clearance standards. We conclude that we have jurisdiction over this matter.

Order

The Commission Orders:

Mid America Steel, Inc.'s application is granted.

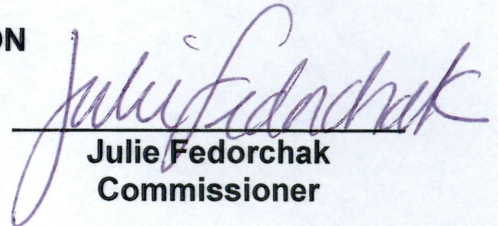
PUBLIC SERVICE COMMISSION



**Brian Kroshus
Commissioner**

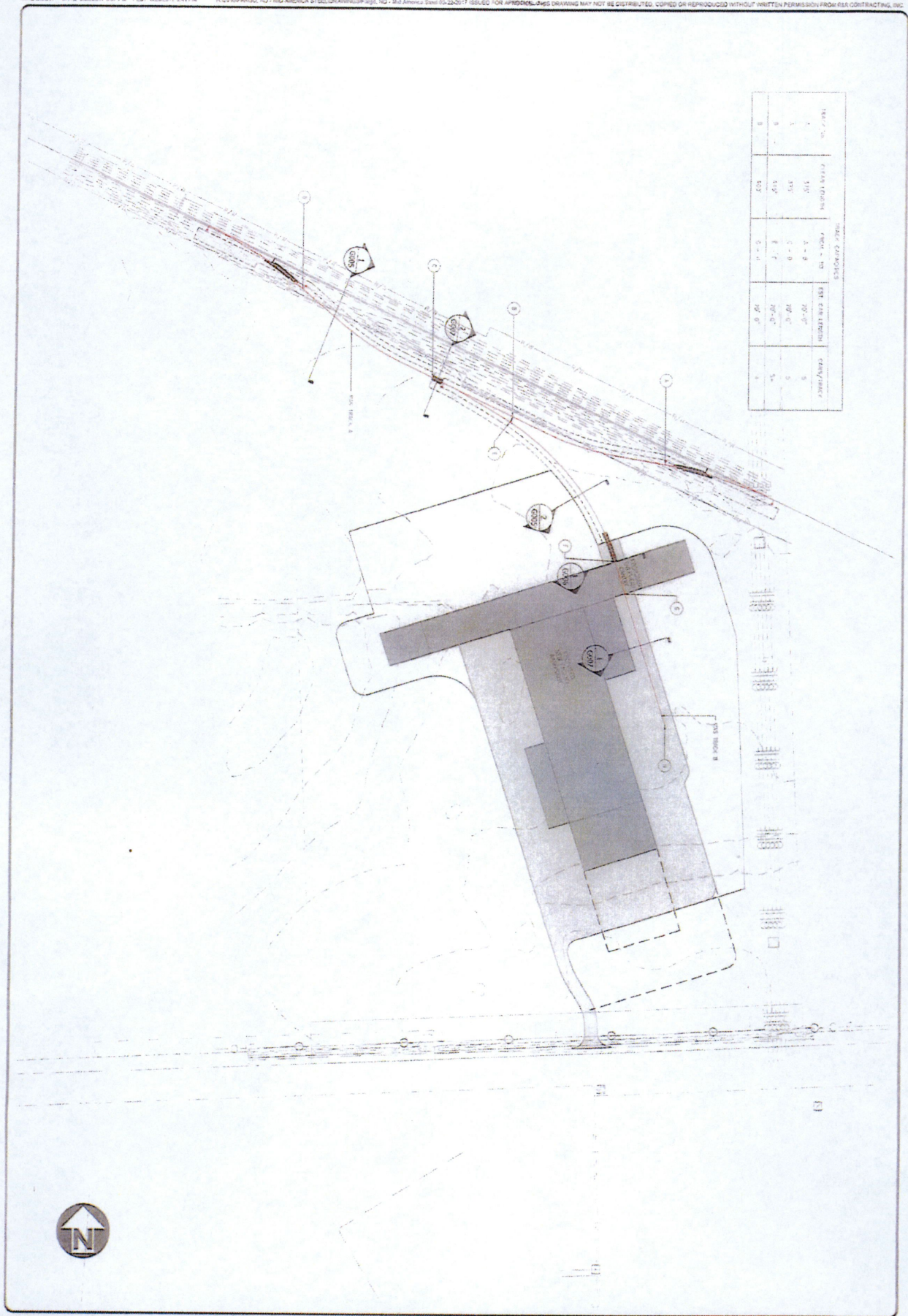


**Randy Christmann
Chairman**



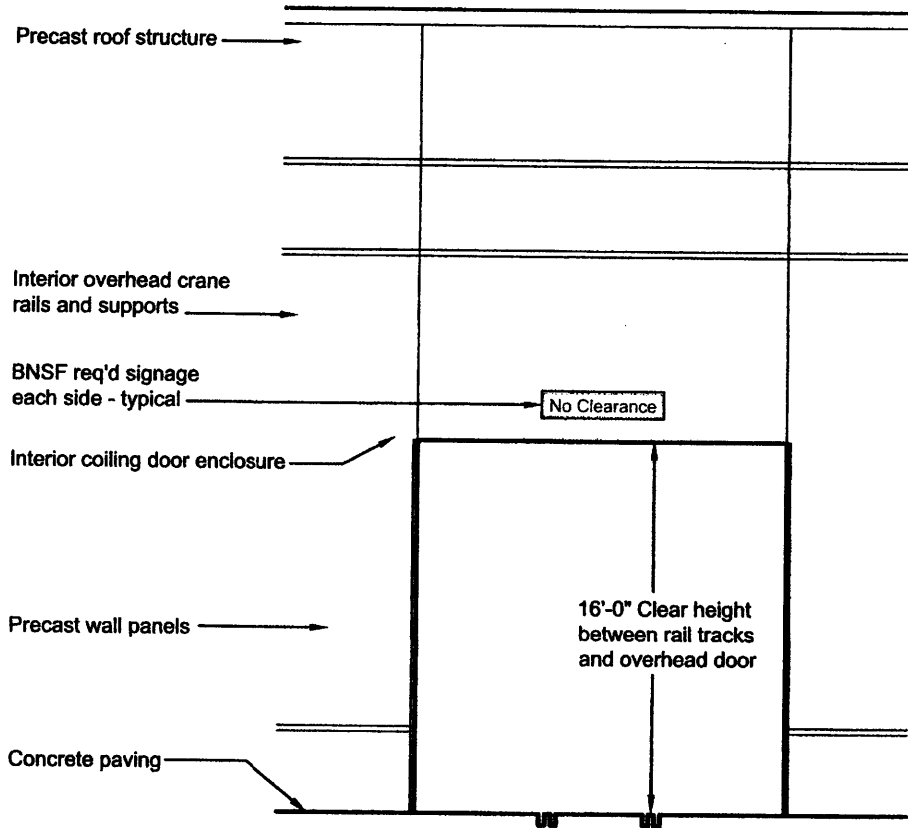
**Julie Fedorchak
Commissioner**

1/16/2017 1:57 PM PLD7 2/23/2017 1:41 PM H:\2016\FARGO, ND - MID AMERICA STEEL\DRAWINGS\Fargo, ND - Mid America Steel 16-22-2017 ISSUED FOR APPROVAL.dwg THIS DRAWING MAY NOT BE DISTRIBUTED, COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM R&R CONTRACTING, INC.



NO.	DATE	DESCRIPTION
1	09-10-2016	ISSUED FOR PRELIMINARY REVIEW
2	10-07-2016	MODIFIED W/ TYPING LOCATIONS (MOVED PROJECT EAST)
3	03-02-2017	OFFSET TRACK 2' EAST
4	02-23-2017	ISSUED FOR RAILROAD APPROVAL
5		

G004 <small>CONTRACT DOCUMENT</small>	<small>DATE PLOTTED: 2/23/2017 1:41 PM</small> <small>SCALE: AS SHOWN</small> <small>JOB NO.: 16021716</small> <small>DATE QUOTED: 02/23/2017</small> <small>BY: JEB</small> <small>CHKD: JEB</small> <small>APPD: JEB</small>	INDUSTRY TRACK EXPANSION MID AMERICA STEEL, INC. FARGO, ND PROJECT OVERVIEW	<small>REV. NO.</small> <small>DATE - DESCRIPTION</small> 1 09-10-2016 - ISSUED FOR PRELIMINARY REVIEW 2 10-07-2016 - MODIFIED W/ TYPING LOCATIONS (MOVED PROJECT EAST) 3 03-02-2017 - OFFSET TRACK 2' EAST 4 02-23-2017 - ISSUED FOR RAILROAD APPROVAL 5	 R&R Contracting <small>CONSTRUCTION DESIGN REPAIR</small> <small>Tel: 701.233.2875 - www.rnrcontract.com</small>
			<small>DATE PLOTTED: 2/23/2017 1:41 PM</small> <small>SCALE: AS SHOWN</small> <small>JOB NO.: 16021716</small> <small>DATE QUOTED: 02/23/2017</small> <small>BY: JEB</small> <small>CHKD: JEB</small> <small>APPD: JEB</small>	



6 Rail Car Pass-Thru

1/8" = 1'-0"