



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

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

March 6, 2014

235567
ENTERED

Office of Proceedings
March 6, 2014
Part of
Public Record

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0011

Re: STB Docket No. 42139, James Valley Grain, LLC v.
BNSF Railway Company

Dear Ms. Brown:

The North Dakota Public Service Commission is aware that James Valley Grain, LLC, of Oakes, North Dakota, has asked the Surface Transportation Board to require BNSF Railway Company to establish direct through rates and other terms of service for transportation from Verona, ND to the Pacific Northwest, in order to serve a planned shuttle loading grain facility that James Valley Grain intends to build at Verona, ND. The Public Service Commission is also aware that the Respondent has filed an answer and has moved to dismiss the case, indicating, among other points, that it has served Red River Valley and Western Railroad, the rail service provider at Verona, ND, with notice of arbitration.

The North Dakota Public Service Commission asks the Surface Transportation Board to recognize the importance of North Dakota's grain industry having the facilities and transportation necessary to access grain markets. To that end, we have encouraged the parties to resolve this matter without further delay, as have other state officials, and we ask the same of the Surface Transportation Board.

We are also concerned, however, with the impact this stalemate may have on motor carrier transportation in the state. Given the robust economy in North Dakota, it is a priority that the state's transportation resources be used as efficiently as possible. We do not believe that diverting additional trucking resources to move grain from Verona when rail transportation could be available is the most efficient use of the state's transportation resources.

Thank you for your attention to this matter.


Randy Christmann
Commissioner

Sincerely,

Brian P. Kalk
Chairman


Julie Fedorchak
Commissioner

c: The Hon. Daniel R Elliott III
The Hon. Ann D. Begeman

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

AFFIDAVIT OF SERVICE BY 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 **6th** day of **March, 2014**, he deposited in the United States Mail at Bismarck, North Dakota, to serve all parties of record in STB Docket No. 42139, **four** envelopes, each containing a photocopy of the following:

Letter to Surface Transportation Board (electronically filed)
STB Docket No. 42139, James Valley Grain, LLC v. BNSF Railway Company

The envelopes were addressed as follows:

Peter A. Pfohl
Christopher A. Mills
Slover & Loftus LLP
1224 17th Street N.W.
Washington, D.C. 20036

Samuel M. Sipe, Jr.
Linda S. Stein
Steptoe & Johnson LLP
1330 Connecticut Avenue NW
Washington, DC 20036

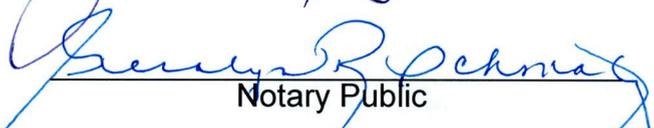
Mark H. Sidman
Rose-Michele Nardi
Transport Counsel PC
1701 Pennsylvania Avenue NW
Suite 300
Washington, DC 20006

William A. Mullins
Robert A. Wimbish
Baker & Miller PLLC
2401 Pennsylvania Avenue NW
Suite 300
Washington, DC 20037

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **6th** day of **March, 2014**.





Notary Public

SEAL

