STATE OF NORTH DAKOTA

COUNTY OF BOWMAN

IN DISTRICT COURT

SOUTHWEST JUDICIAL DISTRICT

Public Service Commission Petitioner, vs. Minnesota Grain, Inc. and Hartford Fire Insurance Company, Respondents. PSC Case No. GE-07-99	CIVIL NO. _____ BRIEF IN SUPPORT OF APPLICATION FOR APPOINTMENT AS TRUSTEE AND JOINDER OF SURETY

The Public Service Commission (Commission) has jurisdiction over public warehousemen under N.D.C.C. Chapters 60-02, 60-04 and 60-10, which provide for the appointment of the Commission as trustee of the assets of public warehousemen upon the filing of a notice with the Commission that the public warehouseman has defaulted in the payment for grain purchased by the buyer.

The Commission was notified by Thomas Powell of Bowman, North Dakota that Minnesota Grain, Inc. is unable, upon proper demand, to pay for grain purchased.

The Commission is informed and believes that there are outstanding obligations for unpaid claims for grain sold to Minnesota Grain, Inc. as a public warehouseman under N.D.C.C. Chapter 60-02 for which bond protection is available under the

provisions of N.D.C.C. §60-02-09 and for credit-sale contracts for which protection is available under N.D.C.C. §60-10-05.

It is in the best interests of all claimants that the Commission be appointed Trustee, and be given the powers under N.D.C.C. Chapters 60-04 and 60-10 so that all claimants will be treated fairly.

It is in the best interest of all claimants that the surety be joined as a party as provided for under N.D.C.C. §60-04-03.3 and be required to deposit bond funds with the trustee for payment of valid claims to any persons holding receipts other than credit-sale contracts from the licensee for grain sold or stored.

Upon the insolvency the Commission has the authority under N.D.C.C. §60-10-05 to make payment to any person who sold grain to the licensee under a credit-sale contract and who was not fully compensated under the contract.

The Court has jurisdiction under N.D.C.C. §60-04-03, which provides for the filing of this action in the District Court, Southwest Judicial District.

Bismarck, North Dakota, this **16th day of March, 2007**.

Respectfully submitted,

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