

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

RECEIVED

In re:)
) Chapter 11 Cases
VERASUN ENERGY CORPORATION, *et al.*,¹) *Jointly Administered* **PUBLIC SERVICE COMMISSION**
)
Debtors.) Case No. 08-12606 (BLS)
)
) Re: Docket Nos. 1060, 1202
)

AUG 11 2009

**CERTIFICATION OF COUNSEL REGARDING ORDER GRANTING MOTION OF
LIBERTY MUTUAL INSURANCE COMPANY FOR RELIEF FROM STAY UNDER
SECTION 362 OF THE BANKRUPTCY CODE TO CANCEL BONDS**

The undersigned hereby certifies the following:

1. On April 16, 2009, Liberty Mutual Insurance Company (“Liberty”) filed the Motion of Liberty Mutual Insurance Company for Relief from Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds (the “Motion”) [Docket No. 1060].
2. On May 15, 2009, the North Dakota Public Service Commission filed a Response to Notice of Motion of Liberty Mutual Insurance Company for Relief from Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds (the “Response”) [Docket No. 1202].
3. Subsequently, Liberty, the North Dakota Public Service Commission and the Debtors have resolved the issues raised in the Motion and Response, and have agreed upon the Order Granting Motion of Liberty Mutual Insurance Company for Relief from Stay Under

¹ The Debtors consist of: VeraSun Energy Corporation (EIN: 20-3430241); ASA OpCo Holdings, LLC (EIN: 68-0609122); US BioEnergy Corporation (EIN: 20-1811472); VeraSun Albert City, LLC (EIN: 20-2264707); VeraSun Albion, LLC (EIN: 55-0907221); VeraSun Aurora Corporation (EIN: 46-0462174); VeraSun BioDiesel, LLC (EIN: 55-0816855); VeraSun Charles City, LLC (EIN: 20-3735184); VeraSun Dyersville, LLC (26-3594945); VeraSun Fort Dodge, LLC (EIN: 42-1630527); VeraSun Granite City, LLC (EIN: 20-5381200); VeraSun Janesville, LLC (EIN: 20-4420290); VeraSun Linden, LLC (EIN: 55-0907228); VeraSun Litchfield, LLC (EIN: 20-8621370); VeraSun Marion, LLC (EIN 20-3477343); VeraSun Marketing, LLC (EIN: 20-3693800); VeraSun Ord, LLC (EIN: 75-3204878); VeraSun Reynolds, LLC (EIN: 20-5914827); VeraSun Tilton, LLC (EIN: 26-1539139); VeraSun Welcome, LLC (EIN: 20-4115888); VeraSun Woodbury, LLC (EIN: 20-0647425).

Section 362 of the Bankruptcy Code to Cancel Bonds (the "Proposed Order"), attached hereto as

Exhibit A.

WHEREFORE, the undersigned respectfully requests that the Court enter the Proposed Order at its convenience.

Respectfully submitted,



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EXHIBIT A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)
) Chapter 11 Cases
VERASUN ENERGY CORPORATION, *et al.*,¹) *Jointly Administered*
)
Debtors.) Case No. 08-12606 (BLS)
)
) **Re: Docket Nos. 1060, 1202, _____**
)

**ORDER GRANTING MOTION OF LIBERTY MUTUAL INSURANCE COMPANY
FOR RELIEF FROM STAY UNDER SECTION 362 OF THE BANKRUPTCY CODE
TO CANCEL BONDS**

Upon the Motion of Liberty Mutual Insurance Company (“Liberty”) for Relief from Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds (the “Motion”); it appearing that the Response to the Motion filed by the North Dakota Public Service Commission has been resolved; and it appearing that the Court has jurisdiction over this matter; and after due deliberation and sufficient cause appearing therefor; it is hereby

FOUND AND DETERMINED THAT:

A. On October 31, 2008 (the “Petition Date”) VeraSun Energy Corporation and certain of its affiliates and subsidiaries (collectively, the “Debtors”) each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code.

B. Prior to the Petition Date, Liberty issued numerous surety bonds on behalf of the Debtors (the “Bonds”). In general, the Bonds name certain state and federal regulatory

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authorities as obligees, and were issued in order to assure the Debtors' compliance with certain state and federal obligations associated with the Debtors' operations. The Bonds were necessary in order to enable the Debtors to operate their businesses.

C. The Debtors have sold substantially all of their assets and are no longer engaged in the production of ethanol or distiller's grains. None of the Bonds attendant to or related to the assets sold were transferred to the respective buyers. In light of this fact and because (i) the Bonds assure only performance obligations of the Debtors, and (ii) the assets necessary for the Debtors to operate their business segments have been sold, the Debtors no longer need the Bonds to remain effective.

D. Since Liberty filed the Motion, the Debtors have taken steps to cancel several of the Bonds. Liberty seeks to effectuate the cancellation of the rest of the Bonds because (i) there is no need for the Bonds to remain effective and (ii) once the Bonds are cancelled, no more claims can arise thereunder prospectively from their respective effective dates of cancellation.

It is therefore **ORDERED, ADJUDGED AND DECREED THAT:**

1. The Motion is **GRANTED**;
2. The automatic stay imposed by 11 U.S.C. § 362 is hereby modified solely to permit Liberty to terminate its surety bonds in accordance with their respective contractual terms and applicable law;
3. This Court shall retain jurisdiction over any matter concerning, or in any way related to, the Motion, this Order, or the relief granted herein.

Dated: _____, 2009
Wilmington, Delaware

The Honorable Brendan L. Shannon
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of August, 2009, a copy of the foregoing *Certification of Counsel Regarding Order Granting Motion of Liberty Mutual Insurance Company for Relief from Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds* will be caused to be served upon the following parties via First Class Mail:

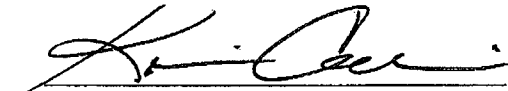
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A handwritten signature in black ink, appearing to read "Kevin G. Collins", written over a horizontal line.

Kevin G. Collins (#5149)

Miscellaneous:08-12606-BLS VeraSun Energy CorporationType: bk Chapter: 11 v
Assets: y Judge: BLSOffice: 1 (Delaware)
Case Flag: LEAD, CLMSAGNT,
MEGAU.S. Bankruptcy Court
District of Delaware

Notice of Electronic Filing

The following transaction was received from Kevin G. Collins entered on 8/6/2009 at 4:37 PM EDT and filed on 8/6/2009

Case Name: VeraSun Energy Corporation

Case Number: 08-12606-BLSDocument Number: 1667**Docket Text:**Certification of Counsel *Regarding Order Granting Motion of Liberty Mutual Insurance Company for Relief from Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds* (related document(s)[1060], [1202]) Filed by Liberty Mutual Insurance Company. (Attachments: # (1) Exhibit A - Proposed Form of Order# (2) Certificate of Service) (Collins, Kevin)

The following document(s) are associated with this transaction:

Document description: Main Document**Original filename:** C:\fakepath\COC.pdf**Electronic document Stamp:**[STAMP bkecfStamp_ID=983460418 [Date=8/6/2009] [FileNumber=7521614-0]
[3a786153fcbad023134a1fa15591acce84bbbd58219060d27568787e70aa9f320c6
b5aced23fc0491c05514c3b505ba7469056e91d89be882ec8a416584749]]**Document description: Exhibit A - Proposed Form of Order****Original filename:** C:\fakepath\Exhibit A - Proposed Form of Order.pdf**Electronic document Stamp:**[STAMP bkecfStamp_ID=983460418 [Date=8/6/2009] [FileNumber=7521614-1]
[29b87b4f4ea46845cfe3a880284a3b3ee32e9c29cd60a2380dbc42fd1f4783471d6e7
9a7090e57a86c33568991e9ac80d79a7c93780f0ee4d0fab52443677aa7]]**Document description: Certificate of Service****Original filename:** C:\fakepath\COS.pdf**Electronic document Stamp:**[STAMP bkecfStamp_ID=983460418 [Date=8/6/2009] [FileNumber=7521614-2]
[619895aea26e340b3c6aa45185dd5e73d81a15efaa786e332739557acec400601f56d
01762002767c444fb44fea68adde0cc48732e026e70b46c39ea05ac119c]]**08-12606-BLS Notice will be electronically mailed to:**Mary E. Augustine on behalf of Attorney Anderson, Bottrell, Sanden & Thompson
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