



Public Service Commission
State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

3 November 2009

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

Cindy Schmitz
Clerk of District Court
Richland County Courthouse
418 2nd Ave. N.
Wahpeton, ND 58075

RE: Public Service Commission vs. VeraSun Hankinson, LLC
CIVIL NO. 39-9-C-462-1

PSC Case No. GE-09-104

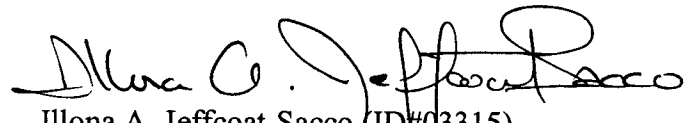
Dear Ms. Schmitz:

Enclosed for filing in the captioned proceeding please find the original:

1. Notice of Entry of Order Appointing Trustee, with attached copy of Order
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail

If you have any questions, please do not hesitate to contact us. Thank you for your assistance in this matter.

Best regards,


Illona A. Jeffcoat-Sacco (ID#03315)
Special Assistant Attorney General

Enclosures

STATE OF NORTH DAKOTA
COUNTY OF RICHLAND

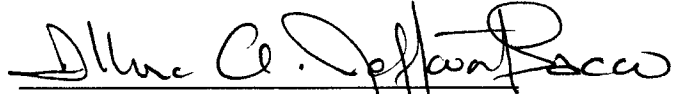
IN DISTRICT COURT
SOUTHEAST JUDICIAL DISTRICT

_____)	
Public Service Commission)	CIVIL NO. 39-9-C-462-1
)	
Petitioner,)	
)	NOTICE OF ENTRY OF ORDER
vs.)	APPOINTING TRUSTEE
)	
VeraSun Hankinson, LLC)	
)	
Respondent.)	
_____)	
PSC Case No. GE-09-104)	
_____)	

PLEASE TAKE NOTICE that an Order Appointing Trustee was executed by the Court on October 26, 2009 and duly entered in the above proceeding on October 26, 2009, ordering the Commission be appointed trustee of the trust fund provided by North Dakota Century Code § 60-04-03 for the limited purpose of allowing the Commission to take such action as may be required to secure its appointment as trustee under Chapter 60-04 of the North Dakota Century Code, issue and publish a notice of appointment and notice to file claims with the Commission, enable the Commission to evaluate claims presented to it as prescribed by applicable North Dakota law, and prepare a draft Report and Recommendation of Trustee of the insolvent VeraSun Hankinson, LLC in the manner provided by law.

A copy of the Order is attached hereto and by reference made a part hereof.

Bismarck, North Dakota, this 3rd day of November, 2009.



Ilona A Jeffcoat-Sacco (ID#03315)

Annette Bendish (ID#05790)

Special Assistant Attorneys General

Public Service Commission

State Capitol – 12th Floor

600 E Boulevard Ave – Dept 408

Bismarck, North Dakota 58505-0480

701-328-2400

Attorneys for the Public Service Commission

STATE OF NORTH DAKOTA
COUNTY OF RICHLAND

IN DISTRICT COURT
SOUTHEAST JUDICIAL DISTRICT

Public Service Commission
 Petitioner,
 vs.
 VeraSun Hankinson, LLC
 Respondent.
 PSC Case No. GE-09-104

CIVIL NO. 09C462

ORDER APPOINTING
TRUSTEE

RECEIVED

OCT 26 2009

PUBLIC SERVICE COMMISSION

CASE NO. _____
 FILED 10-26-09
 CLERK OF DISTRICT COURT
 RICHLAND COUNTY ND
 BY hjk
 DEPUTY

The Public Service Commission (Commission) has moved the Court for appointment as trustee of VeraSun Hankinson, LLC under North Dakota Century Code Chapter 60-04. VeraSun Hankinson, LLC operated as a public warehouseman in the State of North Dakota.

It appears from the record that VeraSun Hankinson, LLC is insolvent under North Dakota Century Code Chapter 60-04 and that it is in the best interest that a trustee be appointed.

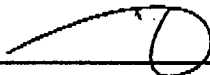
ORDER

THEREFORE, on the Motion of the Commission by and through its attorney, the Commission is appointed trustee of the trust fund provided by North Dakota Century Code § 60-04-03 for the limited purpose of allowing the Commission to take such action as may be required to secure its appointment as trustee under Chapter 60-04 of the

North Dakota Century Code, issue and publish a notice of appointment and notice to file claims with the Commission, enable the Commission to evaluate claims presented to it as prescribed by applicable North Dakota law, and prepare a draft Report and Recommendation of Trustee of the insolvent VeraSun Hankinson, LLC in the manner provided by law.

Wahpeton, North Dakota, this 26th day of October, 2009.

BY THE COURT



Judge of the District Court

Michael W. Grodz

STATE OF NORTH DAKOTA
COUNTY OF RICHLAND

IN DISTRICT COURT
SOUTHEAST JUDICIAL DISTRICT

_____)	
Public Service Commission)	CIVIL NO. 39-9-C-462-1
)	
Petitioner,)	
)	
vs.)	NOTICE OF APPOINTMENT AS
)	TRUSTEE AND NOTICE
VeraSun Hankinson, LLC)	TO FILE CLAIMS
)	
Respondent.)	
_____)	
PSC Case No. GE-09-104)	
_____)	

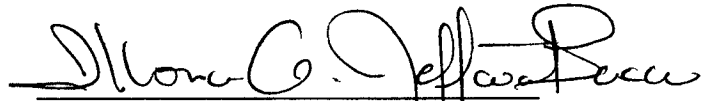
PLEASE TAKE NOTICE that on October 26, 2009, the SOUTHEAST JUDICIAL DISTRICT COURT appointed the Public Service Commission Trustee of VeraSun Hankinson, LLC under North Dakota Century Code Chapter 60-04 for the benefit of outstanding receipt holders of VeraSun Hankinson, LLC. The Order was filed October 26, 2009.

FURTHER, PLEASE TAKE NOTICE THAT:

1. Any person having a claim against VeraSun Hankinson, LLC for the non-payment of grain purchased or stored by VeraSun Hankinson, LLC at its warehouse facility in Hankinson, North Dakota, shall file the claim with the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480.

2. Claims must be filed within forty-five (45) days after the last publication of this notice.
3. Persons filing claims with the Public Service Commission shall include receipts or sufficient documentation to enable the Commission to determine the validity of the claims. This could include unsatisfied scale tickets, warehouse receipts, dishonored checks, and any related contracts.
4. Unless a claim is filed with the Public Service Commission within the time specified, the claimant may be barred from participation in the trust fund.

Bismarck, North Dakota, this **3rd day of November, 2009.**



Ilona A Jeffcoat-Sacco (ID#03315)
Annette Bendish (ID#05790)
Special Assistant Attorneys General
Public Service Commission
State Capitol – 12th Floor
600 E Boulevard Ave – Dept 408
Bismarck, North Dakota 58505-0480
701-328-2400

Attorneys for the Public Service Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF RICHLAND

SOUTHEAST JUDICIAL DISTRICT

_____)
Public Service Commission)
))
Petitioner,)
))
vs.)
))
VeraSun Hankinson, LLC)
))
Respondent.)
_____)
PSC Case No. GE-09-104)
_____)

CIVIL NO. 39-9-C-462-1

AFFIDAVIT OF SERVICE BY
REGULAR MAIL & BY
INSIDE MAIL

STATE OF NORTH DAKOTA)
)ss
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 **3rd day of November, 2009**, he deposited in the United States Mail, Bismarck, North Dakota, **eleven envelopes** with regular postage, fully prepaid, securely sealed and each containing a photocopy of:

1. Notice of Entry of Order, Appointing Trustee with attached copy of Order
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail & by Inside Mail

The envelopes were addressed as follows:

Joel West
VeraSun Hankinson, LLC
110 North Minnesota Avenue Suite 300
Sioux Falls, SD 57104-6440

C T Corporation System
P.O. Box 400
Bismarck, ND 58502

Ian Connor Bifferato
Kevin G. Collins
Bifferato, LLC
800 N. King St., First Floor
Wilmington, DE 19801

Mark S. Chehi, Esquire
Davis L. Wright, Esquire
Megan E. Cleghorn, Esquire
Jason M. Liberi, Esquire
Skadden, Arps, Slate, Meagher & Flom
One Rodney Square
P.O. Box 636
Wilmington, DE 19899

Michael E. Collins
Scott C. Williams
Manier & Herod
150 4th Ave. North, Suite 2200
Nashville, TN 37219

Timothy R. Pohl, Esquire
Felicia Gerber Perlman, Esquire
John K. Lyons, Esquire
Skadden, Arps, Slate, Meagher & Flom
333 West Wacker Drive
Chicago, IL 60606

Frankie E. Cooley
Liberty Mutual Insurance Company
6800 College Boulevard, Suite 701
Overland Park, KS 66211

John Bullis
Attorney for Keith Saunders
P.O. Box 275
Wahpeton, ND 58074-0275

James Wirtz
17275 95 R St SE
Fairmount, ND 58030

Office of the US Trustee
Attn: Mary Kenney
844 King Street, Suite 2207
Lockbox 35
Wilmington, DE 19801

Dennis A. Meloro, Esquire
Donald J. Detweiler, Esquire
Monica Loftin Townsend, Esquire
Sandra G.M. Selzer, Esquire
Greenberg Traurig
1007 North Orange Street, Suite 1200
Wilmington, DE 19801

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

John Hamre further deposes and says that he deposited by inside mail, with the Central Mailing Bureau in the Capitol Building, Bismarck, North Dakota, **one envelope**, securely sealed and containing an Original Cover Memo Requesting Service on Liberty Mutual Insurance Company, a \$10.00 personal check, and two photocopies of:

1. Notice of Entry of Order, Appointing Trustee with attached copy of Order
2. Notice of Appointment as Trustee and Notice to File Claims
3. Affidavit of Service by Regular Mail & by Inside Mail

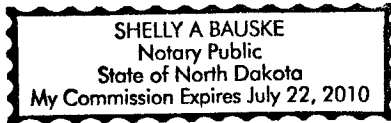
The envelope was addressed as follows:

INSIDE MAIL

Adam W. Hamm
ND Insurance Commissioner
State Capitol – 5th Floor
600 East Boulevard Avenue
Bismarck, ND 58505-0320

Subscribed and sworn to before me
this 3rd day of November, 2009.

SEAL



A handwritten signature in cursive script, appearing to read "Adam W. Hamm", written over a solid horizontal line.

A handwritten signature in cursive script, appearing to read "Shelly A. Bauske", written over a solid horizontal line. Below the line, the words "Notary Public" are printed in a standard font.