

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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In re: ) Chapter 11 Cases APR 07 2011  
VERASUN ENERGY CORPORATION, et al.,<sup>1</sup> ) Jointly Administered  
Reorganized Debtors. ) Case No. 08-12606 (BLS) PUBLIC SERVICE COMMISSION  
) Related to Docket No. 2974 † 3003

ORDER GRANTING MOTION OF NORTH DAKOTA PUBLIC SERVICE  
COMMISSION FOR AN ORDER MODIFYING STIPULATION AND AGREED ORDER  
TO ALLOW FURTHER ACTION ON STATE COURT PROCEEDING, OR  
ALTERNATIVELY, FOR RELIEF FROM THE AUTOMATIC STAY

Upon consideration of the Motion of the North Dakota Public Service Commission for an Order Modifying Stipulation and Agreed Order to Allow Further Action on State Court Proceeding, or Alternatively, for Relief from the Automatic Stay, the Court having determined that granting the relief requested in the Motion is warranted and it appearing that proper and adequate notice of the Motion has been given under the circumstances and that no other or further notice is necessary;

IT IS HEREBY ORDERED, DECREED, AND ADJUDGED that the Motion is granted and the North Dakota Public Service Commission is granted further relief under the September 11, 2009, Stipulation and Agreed Order Modifying the Automatic Stay to Allow North Dakota Public Service Commission to Commence State Proceeding (Docket Entry No. 1805), to pursue to conclusion the North Dakota state district court action styled *Public Service Commission*

<sup>1</sup> The Reorganized 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).

vs. *VeraSun Hankinson, LLC*, Richland County Civil No. 39-9-C-462-1 (Southeast Judicial District filed Oct. 7, 2009), provided, however, that the relief granted herein (i) is without prejudice to and shall not impact Liberty Mutual Insurance Company's rights and defenses, including, without limitation, any rights and defenses of its bond principal, in respect of the claims being pursued by the North Dakota Public Service Commission in the State Proceeding; (ii) is without prejudice to and shall not impact Liberty Mutual Insurance Company's rights and claims against the Debtors or the Reorganized Debtors in their bankruptcy cases; and (iii) is without prejudice to and shall not impact the Debtors' or the Reorganized Debtors' right to object to Liberty Mutual Insurance Company's claims in their bankruptcy cases.

Dated this 7<sup>th</sup> day of April, 2011.



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Honorable Brendan L. Shannon  
United States Bankruptcy Judge