



Public Service Commission

State of North Dakota

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5 May 2011

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Mr. Scott C. Williams
Law Offices of Mariner & Herod
One Nashville Place, Suite 2200
140 Fourth Avenue North
Nashville, TN 37218-2494

**RE: *Public Service Commission v. VeraSun Hankinson, LLC*, Case No. 39-9-C-462-1,
District Court, Southeast Judicial District, Richland County, North Dakota (the
"State Proceeding") and Public Service Commission Case No. GE-09-104
Liberty Mutual Insurance Company Bond No. 674012345**

Dear Mr. Williams:

Thank you for your letter of 4 May 2011 in which you ask the Commission's response to the following:

1. In the event that Liberty makes a payment directly to Mr. Sanders and a payment directly to Mr. Wirtz, and both Mr. Saunders and Mr. Wirtz file written withdrawals of their claims in Claims Proceedings with the Commission, will the Commission seek recovery under the bond for any item other than its claim for fees and expenses under N.D. Cent. Code § 60-04-09?
2. Please confirm the fees and expenses incurred by the Commission to date.

The Commission discussed your letter at the Administrative Matters portion of its regular meeting on 5 May 2011 and asked me to respond.

The Commission's response to question number one is *no*. That is, in the event that Liberty makes a payment directly to Mr. Saunders and a payment directly to Mr. Wirtz, and Mr. Saunders and Mr. Wirtz each files a written withdrawal of his claim in *Public Service Commission v. VeraSun Hankinson, LLC*, PSC Case No. GE-09-104, the Commission would not seek recovery under the bond for any item other than its claim for expenses under North Dakota Century Code § 60-04-09.

In response to question number two, the Commission expenses incurred to date for processing this insolvency case total \$3,547.93.

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If you have further questions please do not hesitate to contact me.

Sincerely,


Ilona A. Jeffcoat-Sacco
General Counsel