

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.)	BRIEF IN SUPPORT OF
)	MOTION FOR APPROVAL AND
VeraSun Hankinson, LLC)	ADOPTION OF REPORT AND
)	RECOMMENDATION OF
Respondent.)	TRUSTEE
_____)	
PSC Case No. GE-09-104)	
_____)	

The Public Service Commission (Commission), as trustee of the trust fund provided by North Dakota Century Code section 60-04-03 for the purpose of marshalling all trust assets of VeraSun Hankinson, LLC, an insolvent grain warehouse, seeks an order approving the Report and Recommendation of Trustee. The Commission has the authority to bring this motion and the Court has the power to grant the relief requested under North Dakota Century Code sections 60-04-03 and 60-04-07.

A bond must be filed with the Commission before any license can be issued to any public warehouseman in North Dakota. North Dakota Century Code section 60-02-09. The bond is for the protection of holders of outstanding receipts from the North Dakota licensed facility. North Dakota Century Code section 60-02-09(6)(a). The insolvent warehouse, VeraSun Hankinson, LLC, had such a bond issued by Liberty

Mutual Insurance Company, 6800 College Boulevard, Suite 701, Overland Park, Kansas, 66211, as surety.

The Commission received two claims against the warehouseman. Each claimant subsequently filed a letter withdrawing his claim. Therefore the only bond proceeds that will be needed are funds to reimburse the Commission for expenses incurred in this proceeding.

North Dakota Century Code section 60-04-09 provides:

Following hearing, the court shall approve or modify the report and issue an order directing payment of the necessary bond proceeds, distribution of the trust fund, and discharge of the commission from its trust.

The Commission respectfully requests the Court approve the Report and Recommendation of Trustee and authorize reimbursement to the Commission as recommended in the report.

Bismarck, North Dakota, this 13th day of June, 2011.



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