

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Organic Grain and Milling, Inc.
License No. 1156 - Clyde, ND
Suspension/Revocation

Case No. GE-09-751

STATE OF NORTH DAKOTA)
)ss
COUNTY OF BURLEIGH)

Shelly A. Bauske deposes and says that:
she is over the age of 18 years and not a party to this action and on the **5th day of January, 2010** she deposited in the United States Mail, Bismarck, North Dakota, 1 envelope by regular mail, with postage fully prepaid, securely sealed and containing a photocopy of:

Order Suspending Warehouse License and Notice of Opportunity to be Heard
Order Authorizing Limited Operations

The envelope was addressed as follows:

Brittin Eustis
Organic Grain and Milling, Inc.
1295 Bandana Boulevard #240
St. Paul, MN 55108

Shelly A. Bauske further deposes and says that on the **5th day of January, 2010** she electronically sent 13 mail messages, each with an attached electronic copy of the same.

The electronic mails were addressed as follows:

Verna Garrett
Kansas City Commodity Office
verna.garrett@kcc.usda.gov

Ted Carleton
Kansas City Commodity Office
ted.carleton@kcc.usda.gov

Steven Edwardson
ND Barley Council
steven.edwardson@ndbarley.net

Cindy McDonald
ND Corn Utilization Council
cindy@ndcorn.org

Deborah Johnson
ND Soybean Council
johnsond@ndsoybean.org

Becky Christensen
ND Wheat Commission
bchrister@ndwheat.com

National Agricultural Statistics Service
nass-nd@nass.usda.gov

Evan Swindall
National Agricultural Statistics Service
evan_swindall@nass.usda.gov

Steve Strege
North Dakota Grain Dealers Association
sstrege@ndgda.org

Cheryal Welle
North Dakota Grain Dealers Association
cwelle@ndgda.org

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Kim Vachal
Upper Great Plains Trans. Institute
kimberly.vachal@ndsu.edu

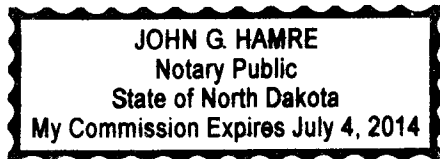
Lerrene Kroh
Oilseed Council
lkroh@sunflowernsa.com

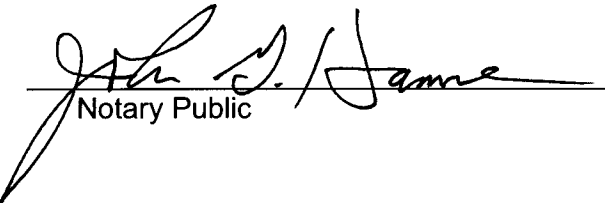
Terry O'Clair
ND Department of Health
toclair@nd.gov

To the best of affiant's knowledge each address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.



Subscribed and sworn to before me
this 5th day of January, 2010.





Notary Public

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Organic Grain and Milling, Inc.
License No. 1156 – Clyde, ND
Suspension/Revocation**

Case No. GE-09-751

**ORDER SUSPENDING WAREHOUSE LICENSE
AND NOTICE OF OPPORTUNITY TO BE HEARD**

December 31, 2009

Organic Grain and Milling, Inc., Boulder, Colorado, operates a licensed public grain warehouse at Clyde, North Dakota, under license no. 1156 issued by the Public Service Commission under the provisions of N.D.C.C. Chapter 60-02.

On October 19, 2009, the Commission received notice that the warehouseman bond issued to Organic Grain and Milling, Inc. would be cancelled on January 27, 2010. N.D.C.C. § 60-02-09.1 provides that the Commission shall immediately suspend an elevator's license if the licensee fails to file a replacement bond at least thirty days before cancellation of the current bond filing. As of December 28, 2009, no replacement bond had been filed with the Commission.

Order

The Commission orders that warehouse license number 1156 issued to Organic Grain and Milling, Inc. is suspended effective December 29, 2009. The licensee shall:

1. Within five days of receipt of notice, notify each receipt holder with written notice that its warehouse license is suspended and that grain must be removed from the warehouse or it will be priced and redeemed in cash in accordance with N.D.C.C. § 60-02-41.
2. Keep the Commission's suspension notice conspicuously posted in the office window and on the front driveway door of the elevator.
3. Surrender warehouse license no. 1156 to the Commission.
4. Not receive additional grain for purchase, storage, shipping or processing.

5. Not sell or ship any grain without submitting a written request to the Commission and receiving Commission authorization to do so.

Notice

PLEASE TAKE NOTICE that Organic Grain and Milling, Inc. has until January 27, 2010, to procure and file an adequate bond or submit a written request for hearing.

N.D.C.C. § 60-02-10.1 provides:

The Commission may suspend or revoke the license of any warehouseman for cause upon notice and hearing. Notwithstanding any other provision of this chapter, the license of a warehouseman must automatically be suspended for failure at any time or to maintain either a bond or insurance policy in the amount or type required. . . .

PUBLIC SERVICE COMMISSION

		
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Tony Clark Commissioner	Kevin Cramer Chairman	Brian P. Kalk Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Organic Grain and Milling, Inc.
License No. 1156 - Clyde, ND
Suspension/Revocation

Case No. GE-09-751

ORDER AUTHORIZING LIMITED OPERATIONS

December 31, 2009

Organic Grain and Milling, Inc., Boulder, Colorado, operates a licensed public grain warehouse at Clyde, North Dakota, under license no. 1156 issued by the Public Service Commission under the provisions of N.D.C.C. Chapter 60-02.

On October 19, 2009, the Commission received notice that the warehouseman bond issued to Organic Grain and Milling, Inc. would be cancelled on January 27, 2010. N.D.C.C. § 60-02-09.1 provides that the Commission shall immediately suspend an elevator's license if the licensee fails to file a replacement bond at least thirty days before cancellation of the current bond filing. As of December 28, 2009, no replacement bond had been filed with the Commission.

On December 29, 2009, the Commission received a request from Organic Grain and Milling, Inc. for authorization to conduct limited operations to satisfy obligations to ship cleaned and packed organic HRS wheat against a contract established on August 18, 2009.

On December 31, 2009, the Commission adopted an Order Suspending Warehouse License Number 1156 of Organic Grain and Milling, Inc., at their Clyde, North Dakota, warehouse, effective December 29, 2009, for lack of adequate bond and issued a Notice of Opportunity to be Heard.

Order

The Commission orders Organic Grain and Milling, Inc. be authorized to ship cleaned and packed organic HRS wheat, as provided in its December 29, 2009 request, until an adequate bond has been procured, filed, and approved by the Commission.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner