



Public Service Commission

State of North Dakota

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4 June 2012

Ronald J. & Maria V. Pokrzywinski
6426 157th Avenue NE
Grafton, ND 58237-8831

RE: Grabanski Grain, LLC Insolvency
PSC Case No. GE-10-498

Dear Ronald and Maria Pokrzywinski:

Thank you for your letter received 1 June 2012 regarding your claim filed late in the captioned matter.

On 18 May 2012 we sent you a copy of the Report and Recommendation the Commission filed with district court. As provided in paragraph 26 of this Report and Recommendation, and on Exhibit C attached to that Report, the Commission recommended that your claim be denied. You did not provide any documents to support the claim that you filed with the Commission. In addition, Commission Staff found no scale tickets in your name, nor was your name included on any spreadsheet or other records provided by Grabanski Grain, LLC to the Commission. Also, although it was not stated on Exhibit C, your claim was filed on 9 January 2012, which was well beyond the 10 October 2011 claim filing deadline. As we recall, your phone call that preceded the filing was in December 2011, also after claims were due.

North Dakota Century Code § 60-04-04 provides “. . . If an outstanding receipt holder fails to submit a claim within forty-five days after the last publication of the notice or such longer time as prescribed by the commission, the commission is relieved of further duty or action under this chapter on behalf of the receipt holder and the receipt holder may be barred from participation in the trust fund. . . .”

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**Letter response re Commission recommendation
that claim be denied**

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As provided in North Dakota Century Code § 60-04-09 and stated in the Notice of Motion and Notice of Hearing that was mailed to you along with the Report and Recommendation, “. . . Any aggrieved person having an objection to the commission’s report shall file the objection with the court and serve copies on the commission, the warehouseman, and the surety at least ten (10) days before the hearing. Failure to file and serve objections in the time set is a waiver of the objection.”

Also as provided in the Notice, the hearing on this matter is scheduled to begin on 20 June 2012, at 9:00 a.m. CDST, at the Walsh County Courthouse in Grafton, North Dakota.

If you have additional questions, please let us know.

Best regards,



Illona A. Jeffcoat-Sacco
General Counsel

cc: DeWayne Johnston
Gordon Myerchin