

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission	)	CIVIL NO. 08-2011-CV-00917
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
Mitchell Feeds, Inc.	)	
	)	
and	)	<b>PUBLIC SERVICE COMMISSION'S</b>
	)	<b>RESPONSE TO AMERICAN</b>
Western Surety Company	)	<b>FEDERAL BANK'S MOTION FOR</b>
	)	<b>INTERVENTION AND PUBLIC</b>
Respondents.	)	<b>SERVICE COMMISSION'S ANSWER</b>
	)	<b>BRIEF</b>
vs.	)	
	)	
American Federal Bank,	)	
	)	
Intervenor.	)	
	)	
_____	)	
PSC Case No. GE-11-51	)	
	)	
_____	)	

This response and answer brief is filed to answer American Federal Bank's (Bank) June 23, 2011 Rule 3.2 Notice of Motion, Motion for Rule 24 Intervention of Right and Memorandum in Support of Motion, pursuant to Rule 3.2 of the North Dakota Rules of Court.

The North Dakota Public Service Commission (Commission) does not oppose the Bank's motion to intervene in the present case. However, the Commission does not accept the Bank's assertion that the Bank possesses a first priority security interest in

the grain. The Commission lacks knowledge or information sufficient to form a belief about the truth of the Bank's assertions.

Further, the Commission asserts that this Court is the proper forum and jurisdiction to resolve issues of North Dakota law.

Dated this 6<sup>th</sup> day of July, 2011.



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