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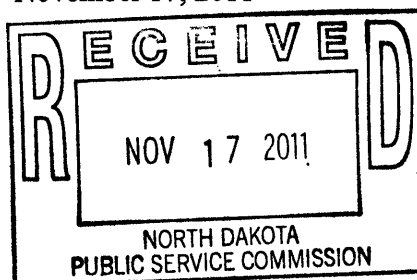
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pending

Thomas L. Zimney - Retired

November 17, 2011



*Sent via Facsimile*

Honorable Donald Jorgensen  
Burleigh County Courthouse  
Fax: 701-222-6689

**Re: Public Service Commission vs. Mitchell Feeds, Inc. and Western Surety Company,  
Respondents, Aasen et al Intervenors and American Federal Bank Intervenors  
Case 08-2011-CV-917**

Your Honor:

I am writing in reference to my client American Federal Bank's Motion to Intervene in the above entitled case. Our office filed the Motion to Intervene on June 23, 2011. On or about October 11<sup>th</sup> I received a call from the Court stating that we had not served the notice on Western Surety Company and that upon our serving the Notice, the Order to Intervene would be entered. We then served Western Surety on October 11<sup>th</sup> and filed notice with the Court.

On Monday, November 14<sup>th</sup> my law partner Jill Hebl spoke with the Clerk in regards to entry of the Order. The Clerk stated that the time had passed and she would bring the Order to your attention. On Wednesday, November 16<sup>th</sup> my assistant was left with a voicemail from the Clerk stating that the prior Order would stand and a new one would not be issued. The only Order for Intervention entered on this matter is for Intervenors Aassen et al.

I am inquiring as to whether an Order for Intervention for my client, American Federal Bank can be issued or, instructions if there is anything else I need to do for the Court's consideration on the matter.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracy A. Kennedy'. The signature is stylized with a large, sweeping initial 'T' and a horizontal line extending to the right.

Tracy A. Kennedy  
TAK:brdp

Cc: Mark Gruman – Special Assistant Attorney General (via email)  
Sharon Sergeant, Claims Manager - Western Surety Company (via U.S. Mail)  
David L. Johnson (via email)