

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Falkirk Farmers Elevator Co.
License No. 128 - Falkirk, ND
Suspension**

Case No. GE-12-679

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

August 13, 2012

Falkirk Farmers Elevator Co. operates a licensed public grain warehouse at Flasher, North Dakota, under license no. 128 issued by the Public Service Commission under the provisions of North Dakota Century Code Chapter 60-02.

On June 8, 2012, the Commission received notice that the warehouseman bond issued to Falkirk Farmers Elevator Co. will be cancelled on September 6, 2012. North Dakota Century Code § 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 August 7, 2012, no replacement bond had been filed with the Commission.

Order

The Commission orders that warehouse license number 128 issued to Falkirk Farmers Elevator Co. is suspended effective August 8, 2012. 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 North Dakota Century Code § 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. 128 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.

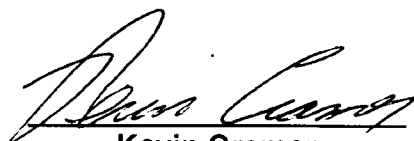
Notice

PLEASE TAKE NOTICE that Falkirk Farmers Elevator Co. has until September 6, 2012, to procure and file an adequate bond or submit a written request for hearing.

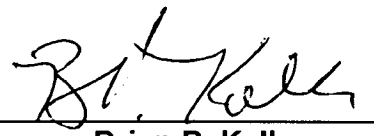
North Dakota Century Code § 60-02-10.1 provides:

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



Kevin Cramer
Commissioner



Brian P. Kalk
Chairman



Bonny M. Fetch
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Falkirk Farmers Elevator Co.
License No. 128 - Falkirk, ND
Suspension**

Case No. GE-12-679

ORDER AUTHORIZING LIMITED OPERATIONS

August 13, 2012

Falkirk Farmers Elevator Co. operates a licensed public grain warehouse at Falkirk, North Dakota, under license no. 128 issued by the Public Service Commission under the provisions of North Dakota Century Code Chapter 60-02.

On June 8, 2012, the Commission received notice that the warehouseman bond issued to Falkirk Farmers Elevator Co. would be cancelled on September 6, 2012. North Dakota Century Code § 60-02-35.1 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 August 7, 2012, no replacement bond had been filed with the Commission.

On August 10, 2012, the Commission received a request from Falkirk Farmers Elevator Co. for permission to remove grain from the warehouse to satisfy warehouse receipts issued on pinto beans under license no. 128.

On August 13, 2012, the Commission adopted an Order Suspending Warehouse License Number 128 of Falkirk Farmers Elevator Co. at their Falkirk, North Dakota warehouse, effective August 8, 2012, for lack of adequate bond filing and issued a Notice of Opportunity to be Heard.

Order

The Commission orders that Falkirk Farmers Elevator Co. be authorized to operate the warehouse to redeliver grain previously received, but may not receive additional grain until a replacement bond has been procured, filed, and approved by the Commission.

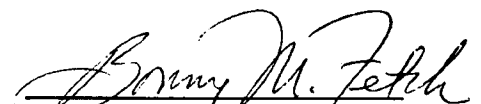
PUBLIC SERVICE COMMISSION



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