

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission

Petitioner,

vs.

Falkirk Farmers Elevator Co.

Respondent.

PSC Case No. GE-12-769

CIVIL NO. 28-2012-CV-00176

AFFIDAVIT OF SERVICE  
BY ELECTRONIC AND  
REGULAR MAIL

**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 **17th day of December, 2013**, she electronically served via the Odyssey Electronic Service and File System using the email address provided on the December 20, 2012 Notice of Appearance, namely [mgust@andersonbottrell.com](mailto:mgust@andersonbottrell.com), a copy of:

1. Request to Keep Case Open
2. Proposed Scheduling Order

**Shelly A. Bauske** further deposes and says that on the **18th** day of **December, 2013**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by regular mail, with postage fully prepaid, securely sealed, each containing a photocopy of the same.

The envelopes were addressed as follows:

Michael Guenthner, Board President  
Falkirk Farmers Elevator Co.  
3807 3<sup>rd</sup> Street SW  
Underwood, ND 58576

Michael Guenthner, Board President  
Falkirk Farmers Elevator Co.  
101 Main Street  
Washburn, ND 58577-4501

Affidavit of Service  
Page 2  
December 18, 2013

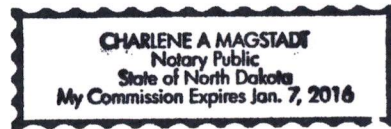
Each address shown is the respective addressee's last reasonably ascertainable United States Mail mailing address.

Shelly A Bauske

Subscribed and sworn to before me  
this **18th day of December, 2013.**

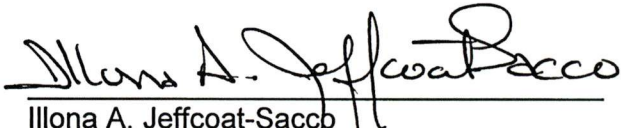
Charlene A Magstadt  
Notary Public

SEAL





4. Consequently, the Public Service Commission will soon formally consider staff's recommendation that the Commission ask the Court to bifurcate the proceeding to allow and approve final resolution of the Credit-Sale Contract Indemnity Fund portion of the proceeding, with payment to valid credit-sale contract claimants, while the Trust Fund portion remains open. If the Public Service Commission agrees with the staff recommendation, a corresponding motion and a First Report and Recommendation, with supporting documents, will be filed with District Court shortly thereafter.
5. Respectfully submitted at Bismarck, North Dakota, this 17<sup>th</sup> day of December 2013.

By:   
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Attorney for the Public Service Commission

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCLEAN

SOUTH CENTRAL JUDICIAL DISTRICT

_____	)	
Public Service Commission	)	CIVIL NO. 28-2012-CV-00176
	)	
Petitioner,	)	
	)	
vs.	)	SCHEDULING ORDER
	)	
Falkirk Farmers Elevator Co.	)	
	)	
Respondent.	)	
_____	)	
PSC Case No. GE-12-769	)	
	)	
_____	)	

1. The Public Service Commission respectfully submits its proposed scheduling order.
2. The Public Service Commission plans to file with the Court in the above matter a First Report and Recommendation, together with a Motion and supporting documents, requesting the Court bifurcate the proceeding and approve the Commission's First Report and Recommendation to allow final adjudication of credit-sale contract claims and corresponding payments to credit-sale contract claimants, by early January 2014, or as soon thereafter as possible. The First Report and Recommendation will be accompanied with a Notice of Motion and Notice of Hearing with an appropriate hearing date scheduled.

3. The Public Service Commission plans to file its Second Report and Recommendation together with a Motion and supporting documents, by 1 July 2014, or as soon thereafter as possible.
4. The Second Report and Recommendation will be accompanied with a Notice of Motion and Notice of Hearing with an appropriate hearing date scheduled.

Dated this \_\_\_\_\_ day of December, 2013.

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Gail Hagerty  
District Judge