



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
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27 March 2013

Mr. Allen C. Hoberg
Office of Administrative Hearings
2911 North 14th Street – Suite 303
Bismarck, ND 58503

Re: Public Service Commission v. Earth Harvest Mills, Inc.
Ex Parte Cease & Desist
GE-13-99
Warehouse

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. The Notice of Hearing is attached.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Illona Jeffcoat-Sacco
General Counsel

enclosure

c: w/encl. Grayson Hoberg, CEO, Earth Harvest Mills, Inc.



REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION
NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS
 SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the GE-13-99 Public Service Commission v. Earth Harvest Mills, Inc., Ex Parte Cease & Desist

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Chapter 60-02 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:
 The hearing was requested by Mr. Grayson Hoberg to determine if the Commission should lift the
 Cease and Desist Order

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY North Dakota Public Service Commission	Address 600 E. Blvd. Ave. Dept. 408 Bismarck 58505	Telephone Number (701) 328-2400
Representation Illona A. Jeffcoat-Sacco	Address Same as above	Telephone Number (701) 328-2407
PARTY Earth Harvest Mills	Address 500 North Street W., Harvey, ND 58341	Telephone Number
Representation contact name: Grayson Hoberg	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments
 A public hearing will be held on April , 2013, beginning at in the Commission Hearing Room, State Capitol, 12th Floor.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, General Counsel	Date 3/27/2013
Signature of Requesting Person <i>x Illona A. Jeffcoat-Sacco</i>	Telephone Number (701) 328-2407

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Earth Harvest Mills, Inc.
***Ex Parte* Cease & Desist**

Case No. GE-13-99

NOTICE OF HEARING

March 27, 2013

On February 27, 2013, the Commission issued an *Ex Parte* Cease and Desist Order against Earth Harvest Mills, Inc. dba Dakota Prairie Organic Flour Company (Earth Harvest Mills) ordering the entity to cease and desist from receiving or purchasing grain in North Dakota.

On February 27, 2013, the *Ex Parte* Cease and Desist Order was served on Earth Harvest Mills.

On March 27, 2013, Earth Harvest Mills filed a request for a formal hearing on the Cease and Desist Order.

A public hearing on this matter will be held on April 10, 2013, beginning at 1:30 p.m. in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota 58505.

The issue in this case is whether the Commission should lift the Cease and Desist Order.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or braille materials please notify the Commission, at least 24 hours in advance.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner