



Public Service Commission
State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

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28 March 2013

Mr. Grayson Hoberg, CEO
Earth Harvest Mills, Inc. dba
Dakota Prairie Organic Flour Company
500 North Street West
Harvey, ND 58341

RE: Public Service Commission
Earth Harvest Mills, Inc.
Ex Parte Cease & Desist
Case No. GE-13-99

Dear Mr. Hoberg:

Enclosed for the purpose of service upon Earth Harvest Mills, Inc. are copies of two 27 March 2013 Commission Motions, a Notice of Hearing, and an Affidavit of Service by Certified Mail.

An Administrative Law Judge will serve as a procedural law judge at the 10 April 2013 hearing and the hearing will be electronically recorded. You may retain a court reporter at your own expense. If you do, please let us know as soon as possible.

If you have any questions, please let us know.

Sincerely,


Illona A. Jeffcoat-Sacco
General Counsel

Enclosures

APPROVED

DATE: 3-27-13
[Signature]

MOTION

March 27, 2013

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

Case No. GE-13-99

I move the Commission inform Earth Harvest Mills, Inc. doing business as Dakota Prairie Organic Flour Company (EHM) that the Commission, based on information available to the Commission as of the date of this motion and subject to receipt of any information that causes the Commission to reconsider this motion, will schedule a formal meeting for the purpose of acting on a motion to lift the February 27, 2013 Cease and Desist Order, contingent upon EHM filing satisfactory proof with the Commission that EHM is in compliance with the following conditions:

- 1) EHM has fully paid all grain payable accounts due and past due as of the date EHM files the proof required in this Motion.
- 2) EHM agrees that EHM's total cash obligations at any given time for delivered grain will not exceed 200% of the amount of bond in place and on file with the Commission.
- 3) EHM agrees to pay for, or convert to a credit-sale contract if requested by the seller, each and every grain purchase within 45 days of the date the grain is delivered.

I further move that the Commission inform EHM that if the Commission receives a written claim for unpaid grain delivered to EHM, the Commission will

direct staff to immediately prepare an Application for Appointment as Trustee, including a declaration of insolvency, for filing in Wells County District Court.

APPROVED

DATE: 3-27-13



MOTION

March 27, 2013

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

Case No. GE-13-99

I move the Commission issue a Notice of Hearing In Case No. GE-13-99,
Earth Harvest Mills, Inc. doing business as Dakota Prairie Organic Flour
Company, *Ex Parte* Cease & Desist.

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.

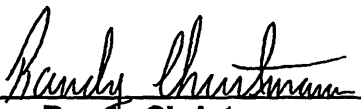
On March 27, 2013, Earth Harvest Mills filed a request for a formal hearing on the Cease and Desist Order.

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

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. GE-13-99

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **28th** day of **March, 2013**, she deposited in the United States Mail, at Bismarck, North Dakota, one envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

1. **March 27, 2013 Motion**
2. **March 27, 2013 Motion**
3. **Notice of Hearing**
4. **Affidavit of Service by Certified Mail**

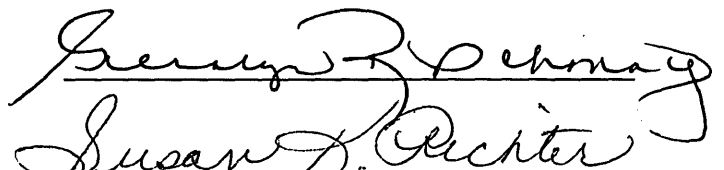
The envelope was addressed as follows:

Mr. Grayson Hoberg, CEO
Earth Harvest Mills, Inc. dba
Dakota Prairie Organic Flour Company
500 North Street West
Harvey, ND 58341

Cert. No. 7012 1640 0002 4650 0725

The address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **28th** day of **March, 2013**.



Notary Public

SEAL

