

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Public Service Commission,

Plaintiff,

v.

Hunter Hanson d/b/a Midwest Grain  
Trading,

And

State Farm Fire and Casualty Company,

Defendant.

Case No. 08-2018-CV-03299

**ORDER DENYING REQUEST  
FOR LACK OF  
JURISDICTION**

**INTRODUCTION**

[¶1] The Public Service Commission (PSC) files an ex parte application in Burleigh County under NDCC 60-02.1.

[¶2] In the application PSC alleges Hunter Hanson d/b/a Midwest Grain Trading (MGT) is a roving grain buyer.

[¶3] The PSC alleges it has filed a parallel action in Pierce County.

[¶4] MGT delivered grain to a public warehouse facilities licensed by Hunter Hanson at both Tunbridge and Rohrville, ND.

[¶5] **NDCC 60-02.1-29. Appointment of commission.** States:

[¶6] “Upon the insolvency of any roving grain buyer, the commission shall apply to the district court of Burleigh County for authority to take all action necessary to act as

trustee of the trust fund described in section 60-02.1-30. If the insolvency involves a facility-based grain buyer, application must be to the district court of a county in which the licensee operates a licensed facility.”

[¶7] The Court cannot determine from the application if the language of NDCC 60-02.1-29 requires the PSC to file its action in the county where the licensee operates a licensed facility. If the facilities mentioned by the PSC at Tunbridge and Rohrville qualify under NDCC 60-02.1-29 the action “MUST” be to the court of the county the facilities are located in.

[¶8] The matter cannot proceed as the matter must be filed in the county where the facilities alleged are located.

**IT IS SO ORDERED.**

Dated December 21, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. Romanick', is written over a horizontal line. The signature is stylized and somewhat cursive.

Bruce A. Romanick, District Judge  
South Central Judicial District