

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE GRAIN DEALER'S)	ORDER FOR AND NOTICE
BOND OF AGRIBIOTECH, INC.)	OF HEARING
)	GD01-002
)	(Civ. 01-0447)

On August 2, 2001, the Public Utilities Commission (Commission) filed with the Third Judicial Circuit a Petition to Appoint South Dakota Public Utilities Commission as a receiver of AgriBioTech, Inc. (ABT) pursuant to SDCL 49-45-16 and SDCL Chapter 21-21, to take possession of the cash proceeds of the grain dealer's bond numbered 400JR0028. On August 29, 2001, the Commission was appointed receiver by the Honorable Judge Ronald K. Roehr of the Third Judicial Circuit of South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 21-21 and 49-45, specifically 49-45-13, 49-45-16, and 49-45-18. Pursuant to the order of the Court, the Commission shall determine claims against the cash proceeds of the grain dealer's bond numbered 400JR0028, commencing July 1, 1999, and ending June 30, 2000, with St. Paul Fire & Marine Insurance Company, being the surety. A hearing shall be held on the claims against the bond as described above on November 1, 2001, beginning at 1:00 p.m., at the Stony Point Meeting Room, in the Ramkota Hotel, 1901 9th Ave. S.W., Watertown, South Dakota.

The issue at the hearing will be to determine claims against the cash proceeds of the grain dealer's bond numbered 400JR0028, commencing July 1, 1999, and ending June 30, 2000, with St. Paul Fire & Marine Insurance Company, being the surety.

All potential claimants have the right to be present, to be represented by an attorney, and to present evidence of their claims. Evidence may include, but is not limited to, such documents as scale tickets, settlement sheets, bad checks, or other evidence of a sale of grain to ABT which has not been paid. These and other due process rights will be forfeited if they are not exercised at the hearing or by submitting a proof of claim with the Commission. After the hearing, the Commission, as receiver, will consider all evidence and testimony that was presented at the hearing. As a result of the hearing, the Commission shall determine claims against the cash proceeds of the grain dealer's bond. The Commission will then enter proposed Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter which will be submitted to the Third Circuit of the State of South Dakota. The Final Decision made by the Circuit Court may be appealed to the state Supreme Court as provided by law.

It is therefore

ORDERED, that the hearing shall be held on November 1, 2001, beginning at 1:00 p.m., at the Stony Point Meeting Room, in the Ramkota Hotel, 1901 9th Ave. S.W., Watertown, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 28th day of September, 2001.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u><i>Alaine Kalbo</i></u>
Date: <u>9/28/01</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner