

**STATE OF NORTH DAKOTA**

**BEFORE THE INSURANCE COMMISSIONER**

**In the Matter of the  
Battle Creek Mutual Insurance Company  
Conversion**

**NOTICE AND ORDER  
OF HEARING**

**FILE NO. CO-23-872**

**NOTICE**

In accordance with N.D.C.C. § 26.1-12.2-02, you are hereby notified that the North Dakota Insurance Commissioner ("Commissioner") will hold a public hearing ("Hearing") regarding the Application ("Plan") of Battle Creek Mutual Insurance Company for approval of its Plan of Company Conversion. The public hearing **will** be held at **9:00 a.m.** on **Thursday, the 21st day of September 2023**, in the **Sakakawea Room** at the **North Dakota State Capitol located at 600 East Boulevard Avenue, Bismarck, North Dakota.**

**ORDER**

WHEREAS, Battle Creek Mutual Insurance Company, a North Dakota mutual insurance company, seeks to convert their company from an incorporated mutual insurance company into an incorporated stock insurance company as permitted by N.D.C.C. § 26.1-12.2; and

WHEREAS, N.D.C.C. § 26.1-12.2-02 requires the Commissioner hold a public hearing regarding a proposed conversion; and

WHEREAS, following the hearing, the Commissioner shall enter findings of fact, conclusions of law, and an order either approving, conditionally approving, or disapproving the plan. An approval or conditional approval of a plan of conversion expires if the conversion is not completed within one hundred and eighty days after the approval or conditional approval, unless the time period is extended by the Commissioner upon a showing of good cause; and

### **ORDER**

WHEREAS, Battle Creek, a North Dakota mutual insurance company, seeks to convert their company as permitted by N.D.C.C. § 26.1-12.2; and

WHEREAS, N.D.C.C. § 26.1-12.2-02 requires the Commissioner hold a public hearing regarding a proposed conversion plan; and

WHEREAS, the Commissioner, in making the determination as to a plan of reorganization under N.D.C.C. § 26.1-12.2, shall consider whether:

1. The plan of conversion complies with the laws of the state and specifically North Dakota Century Code § 26.1-12.2;
2. The plan is fair and equitable to the converting mutual company, the members of the converting mutual company, and the eligible members of the converting mutual company;
3. The plan's method of allocating subscription rights is fair and equitable;
4. The plan will not otherwise prejudice the interests of the members; and;
5. The converted stock company will have the amount of capital and surplus deemed by the commissioner to be reasonable for its future solvency.

NOW, THEREFORE, IT IS HEREBY ORDERED that a hearing will be held at **9:00 a.m.** on **Thursday, the 21st day of September 2023**, in the **Sakakawea Room** at the **North Dakota Capitol located at 600 E Boulevard Ave, Bismarck, North Dakota.**

Policyholders and other interested persons may attend the hearing. There will be an opportunity for attendees to offer oral and written statements, present evidence and ask questions in accordance with N.D.C.C. § 28-32. Persons showing good cause may be allowed to intervene if initiated with the Department at least five days prior to the date of the hearing. Those unable to attend the public hearing but would like to submit comments are asked to mail written comments to the Department at 600 East Boulevard Ave, Bismarck ND 58505 c/o Helene J Herauf or email at [insurance@nd.gov](mailto:insurance@nd.gov). Be advised that all comments received will be part of the public record and will be made public on the Department's website and provided to Battle Creek.

Individuals who require the assistance of auxiliary aids or services to participate in or attend this public hearing are asked to call the Department at 701-328-2440.

Dated at Bismarck, North Dakota, this 21<sup>st</sup> day of August 2023

/s/ Helene J Herauf

Helene J Herauf  
Legal Counsel  
North Dakota Insurance Department