

MEMORANDUM

January 22, 2009

To: Official Committee of Unsecured Creditors (the “Committee”) of VeraSun Energy Corporation, et al. (the “Debtors”)

From: Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”)

Re: VeraSun Energy Corporation, et al. – Summary of Recently Filed Motion

Debtors’ Motion for Allowance of Certain Intercompany Administrative Expense Claims (the “Motion”)

By the Motion, the Debtors seek an order allowing certain intercompany administrative expense claims against VeraSun Marketing, LLC (“Marketing”) in an aggregate amount of \$23,536,000 (of which \$6,019,000 constitutes an administrative expense claim under section 503(b)(9) of the Bankruptcy Code and \$17,517,000 constitutes an administrative expense claim under 503(b)(1) of the Bankruptcy Code) arising from the sale of ethanol from the US BioEnergy Debtors¹ to Marketing during the period between October 11, 2008 and November 25, 2008 (the “Subject Period”).

According to the Motion, prior to the Petition Date, Marketing entered into multiple agreements with the US BioEnergy Debtors, pursuant to which Marketing purchased ethanol on credit from the US BioEnergy Debtors and then marketed and sold such ethanol to third-party customers on behalf of the US BioEnergy Debtors. By the Motion, the Debtors seek to quantify the administrative expense claims that each of the US BioEnergy Debtors has against Marketing as a result of ethanol sales made during the Subject Period.

A hearing on the Motion is scheduled for February 5, 2009 at 10:00 a.m. (ET). Objections to the Motion are due by January 29, 2009 at 4:00 p.m. (ET).

¹ The US BioEnergy Debtors consist of VeraSun Albert City, LLC; VeraSun Central City, LLC; VeraSun Dyersville, LLC; VeraSun Hankinson, LLC; VeraSun Ord, LLC; and VeraSun Woodbury, LLC.