

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

**IN THE MATTER OF THE GRAIN BUYER )  
LICENSE OF H & I GRAIN OF HETLAND, )  
INC. )  
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**ORDER SUSPENDING GRAIN  
BUYER LICENSE; ORDER  
INITIATING AUDIT; ORDER TO  
POST AND PUBLISH NOTICE  
OF SUSPENSION**

**GW17-001**

On June 19, 2017, the staff of the Grain Warehouse Division (Staff) of the South Dakota Public Utilities Commission (Commission) filed a Petition requesting the Commission to immediately suspend H & I Grain of Hetland, Inc.'s (H & I Grain) grain buyer license pursuant to SDCL 49-45-3. Attached to the Petition was a Notice of Intent to Sue on Bond. As a part of the Petition, Staff alleged it was aware of specific acts of insolvency and believed immediate action was necessary. H & I Grain has locations in Hetland, De Smet, and Arlington, South Dakota. On June 19, 2017, Staff served the Petition on H & I Grain.

On June 20, 2017, the Commission electronically transmitted notice of the Agenda of Ad Hoc Commission Meeting to H & I Grain as well as interested individuals and entities on the Commission's PUC Weekly Filings listserv. On June 20, 2017, Staff filed additional Notices of Intent to Sue on Bond. On June 21, 2017, Staff notified North American Specialty Insurance Company that it was undertaking an audit of H & I Grain.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-45, specifically 49-45-1, 49-45-3, 49-45-6, 49-45-7, 49-45-10, 49-45-13, 49-45-16, 49-45-17, 49-45-18, 49-45-19, 49-45-25, and ARSD 20:10:12.

On June 23, 2017, at an ad hoc meeting, the Commission considered this matter. The Commission heard from Staff as to specific acts of insolvency, from a producer that had taken grain to H & I Grain and was now demanding payment that has not been made, and from an attorney representing a consortium of producers that were demanding payment from H & I Grain. H & I Grain did not attend the ad hoc meeting in person or telephonically. Finding specific acts of insolvency, the Commission voted unanimously to suspend the grain buyer's license of H & I Grain, to initiate an audit of H & I Grain, to post notice of the suspension at each H & I Grain location, and to publish notice of the suspension in a newspaper of general circulation in the areas served by H & I Grain.

It is therefore

ORDERED, that the grain buyer license of H & I Grain is hereby suspended; it is further

ORDERED, that Staff shall immediately initiate an audit of H & I Grain; it is further

ORDERED, that notice of the suspension shall be posted at each H & I Grain location; and it is further

ORDERED, that notice of the suspension shall be published in a newspaper of general circulation in the areas served by H & I Grain.

Dated at Pierre, South Dakota, this 23rd day of June, 2017.

**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, electronically or by mail.

By: Karen E. Cremer

Date: 06/23/17

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Eiegen  
KRISTIE EIEGEN, Chairperson

Gary Hanson  
GARY HANSON, Commissioner

Chris Nelson  
CHRIS NELSON, Commissioner