

STATE OF SOUTH DAKOTA
COUNTY OF KINGSBURY

IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

IN THE MATTER OF RECEIVERSHIP OF
H & I GRAIN OF HETLAND, INC.

38 Civ. 18-000056

[PROPOSED] ORDER

WHEREAS the Court issued oral rulings at the hearing in above-captioned matter on September 19, 2018, in Kingsbury County Circuit Court;

NOW, THEREFORE, the Court enters the following order in conformity with its September 19 oral rulings:

1. CHS Hedging, LCC (“CHS”) may intervene as of right pursuant to SDCL § 15-6-24(a). CHS’s Motion to Intervene, filed on September 14, 2018, is therefore GRANTED.

2. CHS, as intervenor, is entitled to seek this Court’s ruling on its Motion to Dismiss, filed on September 14, 2018. The Motion to Dismiss is accepted as properly presented for adjudication, and the Court may proceed to rule thereon.

3. The Court, having heard and fully considered the testimony and arguments presented by the South Dakota Public Utilities Commission (the “Commission”) and CHS, concludes the Commission’s August 9, 2018 Petition seeking appointment as receiver is not permissible under South Dakota law. *Cf.* SDCL § 49-45-16.1.

4. CHS’s Motion to Dismiss is therefore GRANTED. The Petition to Appoint South Dakota Public Utilities Commission as Receiver is dismissed with prejudice.

SO ORDERED.

DATED this ____ day of _____, 2018

BY THE COURT:

Patrick T. Pardy
Circuit Judge
Third Judicial Circuit

Proposed order respectfully submitted,

DATED: September 27, 2018

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the following attorney by ordinary U.S. Mail and by email this 27th day of September, 2018.

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