



Dustin Johnson, Chair  
Gary Hanson, Vice Chair  
Steve Kolbeck, Commissioner

## SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue  
Pierre, South Dakota 57501-5070  
[www.puc.sd.gov](http://www.puc.sd.gov)

Capitol Office  
(605) 773-3201  
1-866-757-6031 fax

Warehouse  
(605) 773-5280  
(605) 773-3225 fax

Consumer Hotline  
1-800-332-1782

November 9, 2007

Mr. Larry Wheeting  
LW Sales  
P. O. Box 668  
Groton, SD 57445-0668

Ms. Kari A. Bartling  
Attorney at Law  
Kolker Law Office  
P. O. Box 467  
Groton, SD 57445-0467

Re: LW Sales/LW Seed  
Docket GD07-001

Dear Folks:

Enclosed each of you will find a copy of Request for Hearing on Staff's Motion for Summary Judgment with reference to the above referenced matter. This is intended as service upon you by mail.

Thank you.

Very truly yours,

Kara Semmler  
Staff Attorney

Enc.

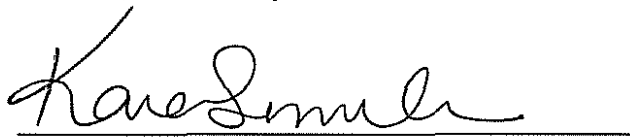
**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF LW SALES/LW SEED'S</b>	)	<b>REQUEST FOR HEARING</b>
<b>FAILURE TO OBTAIN NECESSARY</b>	)	<b>ON STAFF'S MOTION FOR</b>
<b>LICENSURE PRIOR TO OPERATION AS A</b>	)	<b>SUMMARY JUDGMENT</b>
<b>GRAIN DEALER IN THE STATE OF SOUTH</b>	)	
<b>DAKOTA</b>	)	<b>GD07-001</b>

Commission Staff, by and through its attorney, Kara Semmler, respectfully request the Public Utilities Commission of the State of South Dakota to hold a hearing based on Commission Staff's request for Summary Judgment in the above captioned docket.

Attached hereto are additional documents obtained during discovery Staff intends to use in support of its Motion for Summary Judgment.

Dated at Pierre, South Dakota, this 9th day of November, 2007.



Kara Semmler  
Staff Attorney  
South Dakota Public Utilities Commission  
500 E. Capitol Ave  
Pierre, SD 57501  
(605) 773-3201

**LW Sales, Inc.**

PO Box 668  
Groton, SD 57445  
Ph#/605-397-8111  
Fax#605-882-2459

PO # 0299

**SALES CONFIRMATION**

Date: 4/9/2007

**Sold to:**

Phillips Mushroom Farms  
PO Box 190  
Kennett Square, PA 19348  
ph# 610-444-4140

**Ship to:**

Phillips Mushroom Farms  
1011 Kaolin Road  
Kennett Square, PA 19348  
Attn: Doug Taylor  
Ph# 610-656-6225

2375 cwt

Sunrise Millet Seed / 98% purity  
Sunrise Low Dehull Millet Seed  
+ \$.15/cwt July/Aug  
+\$.30/cwt Sep/Oct

\$14.25/cwt  
\$15.55/cwt

5 truckloads 98% purity to capacity  
or Low Dehull  
Pallets, slip sheets, shrinkwrap

Freight: \$4.55/cwt plus fuel surcharge - pay freight to:

D&E Transport  
4141 150th Street Northwest  
Monticello, MN 55362  
ph# 800-339-905

---

Phillips Mushroom Farm

---

*Learne Johnson*  
LW Sales

Please sign and return by fax  
605-882-2459

**LW Sales, Inc.**

PO Box 668  
Groton, SD 57445  
Ph#/605-397-8111  
Fax#605-882-2459

PO # 0297

**SALES CONFIRMATION**

Date: 2/6/2007

**Sold to:**

Phillips Mushroom Farms  
PO Box 190  
Kennett Square, PA 19348  
ph# 610-444-4140

**Ship to:**

Phillips Mushroom Farms  
1011 Kaolin Road  
Kennett Square, PA 19348  
Attn: Doug Taylor  
Ph# 610-656-6225

3600 cwt  
450 cwt

Sunrise Millet Seed / 98% purity  
Sunrise Low Dehull Millet Seed  
+ \$.15/cwt July/Aug  
+\$.30/cwt Sep/Oct

\$12.60/cwt  
\$13.90/cwt

8 truckloads 98% purity to capacity  
1 truckload Low Dehull  
Pallets, slip sheets, shrinkwrap

Freight: \$4.55/cwt plus fuel surcharge - pay freight to:

D&E Transport  
4141 150th Street Northwest  
Monticello, MN 55362  
ph# 800-339-905

---

Phillips Mushroom Farm

---

*Learno Johnson*  
LW Sales

Please sign and return by fax  
605-882-2459

**LW Sales, Inc.**

PO Box 668  
Groton, SD 57445  
Ph#/605-397-8111  
Fax#605-882-2459

PO # 0296

**SALES CONFIRMATION**

Date: 10/19/2006

**Sold to:**

Phillips Mushroom Farms  
PO Box 190  
Kennett Square, PA 19348  
ph# 610-444-4140

**Ship to:**

Phillips Mushroom Farms  
1011 Kaolin Road  
Kennett Square, PA 19348  
Attn: Doug Taylor  
Ph# 610-656-6225

3600 cwt  
450 cwt

Recleaned Millet Seed / 98% purity  
Low Dehull Millet Seed  
+ \$.15/cwt Jan/Feb  
+\$.30/cwt Mar/April

\$12.35/cwt  
\$13.65/cwt

8 truckloads 98% purity to capacity  
1 truckload Low Dehull  
Pallets, slip sheets, shrinkwrap

Freight: \$4.55/cwt plus fuel surcharge - pay freight to:

D&E Transport  
4141 150th Street Northwest  
Monticello, MN 55362  
ph# 800-339-905

---

Phillips Mushroom Farm

---

*Loanne Johnson*  
LW Sales

Please sign and return by fax  
605-882-2459

**LW Sales, Inc.**

PO Box 668  
Groton, SD 57445  
Ph#/605-397-8111  
Fax#605-882-2459

**SALES CONFIRMATION**

Date: 3/16/2007

**Sold to:**

Oakshire Mushroom Farms  
PO Box 388  
Kennett Square, PA 19348  
ph# 610-444-9600

**Ship to:**

Oakshire Mushroom Farms  
Route 1 & Hwy 896  
Lincoln University, PA 19352  
Attn: John Wiker  
Ph# 610-869-7540

460 cwt

Sunrise Seed Millet Lot #6433  
Low Dehull

\$15.75/cwt  
FOB Groton, SD

**30 Day payment for millet - due date May 9, 2007**

**Freight payment due upon delivery.**

Freight: \$4.55/cwt plus fuel surcharge - pay freight to:

D&E Transport  
4141 150th Street Northwest  
Monticello, MN 55362  
ph# 800-339-905

**Freight payment due upon delivery.**

Total freight cost = \$2511.60  
(460 cwt @ \$4.55 + fuel surcharge @ \$418.60)

---

Oakshire Mushroom Farm

---

*Leanne Johnson*  
LW Sales

**LW Sales, Inc.**

PO Box 668  
Groton, SD 57445  
Ph#/605-397-8111  
Fax#605-882-2459

**SALES CONFIRMATION**

Date: 11/22/06

**Sold to:**

Oakshire Mushroom Farms  
PO Box 388  
Kennett Square, PA 19348  
ph# 610-444-9600

**Ship to:**

Oakshire Mushroom Farms  
Route 1 & Hwy 896  
Lincoln University, PA 19352  
Attn: John Wiker  
Ph# 610-869-7540

475 cwt

Sunrise Millet Seed Lot #6429  
Low Dehull

\$19.80/cwt  
& fuel surcharge

Price is FOB Lincoln University, PA

Payment must be:  
**CHECK IN HAND 30 DAYS**

Please sign below and fax today to 605-882-2459

---

Oakshire Mushroom Farm

---

LW Sales

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Numl

Invoice D:  
 May 30, 20  
 Pa

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		5/29/07	6/29/07
Quantity	Item	Description	Unit Price	Extension	
50.00	463	SUNRISE MILLET SEED LOT 7436 IN BROWN BAG 100 X 50 LBS	13.90	695.00	
425.00	463	SUNRISE MILLET SEED LOT 6432 IN COLORED BAG 850 X 50 LBS	12.60	5,355.00	

Subtotal 6,050.00  
 Sales Tax  
 Total Invoice Amount 6,050.00  
 Payment Received  
**TOTAL 6,050.00**

Check No:



LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Num

Invoice D:  
 May 22, 20

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

Sold To:  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

Ship to:

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		5/21/07	6/21/07
Quantity	Item	Description	Unit Price	Extension	
50.00	463	SUNRISE MILLET SEED LOT 7436 IN BROWN BAG 100 X 50 LBS	13.90	695.00	
425.00	463	SUNRISE MILLET SEED LOT 6432 IN COLORED BAG 850 X 50 LBS	12.60	5,355.00	

Subtotal	6,050.00
Sales Tax	
Total Invoice Amount	6,050.00
Payment Received	
<b>TOTAL</b>	<b>6,050.00</b>

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number

Invoice Date  
 May 14, 2007

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT			6/13/07
Quantity	Item	Description		Unit Price	Extension
50.00	463	SUNRISE MILLET SEED LOT 7439 IN BROWN BAG 100 X 50 LBS		13.90	695.00
425.00	463	SUNRISE MILLET SEED LOT 6432 IN COLORED BAG 850 X 50 LBS		12.60	5,355.00

Subtotal	6,050.00
Sales Tax	
<b>Total Invoice Amount</b>	<b>6,050.00</b>
Payment Received	
<b>TOTAL</b>	<b>6,050.00</b>

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number  
 Invoice Date  
 May 7, 20  
 Pa

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		5/7/07	6/6/07
Quantity	Item	Description	Unit Price	Extension	
50.00	463	SUNRISE MILLET SEED LOT 7436 IN BROWN BAG 100 X 50 LBS	13.90	695.00	
425.00	463	SUNRISE MILLET LOT 6432 IN COLORED BAG 850 X 50 LBS	12.60	5,355.00	

Subtotal 6,050.00  
 Sales Tax  
 Total Invoice Amount 6,050.00  
 Payment Received  
**TOTAL** 6,050.00

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number  
 Invoice Date  
 Apr 30, 20  
 Pa

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1 1/2 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		4/27/07	5/30/07
Quantity	Item	Description	Unit Price	Extension	
50.00	463	SUNRISE MILLET SEED LOT 7436 IN BROWN BAG 100 X 50 LBS	13.90	695.00	
425.00	463	SUNRISE MILLET SEED LOT 6432 AND 6434 IN COLORED BAG 850 X 50 LBS	12.60	5,355.00	

Subtotal 6,050.00  
 Sales Tax  
 Total Invoice Amount 6,050.00  
 Payment Received  
**TOTAL** 6,050.00

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**

Invoice Number

Invoice Date

Apr 16, 2007

Page

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		4/16/07	5/16/07
Quantity	Item	Description		Unit Price	Extension
50.00	463	SUNRISE MILLET LOT 6433 IN BROWN BAG		13.90	695.00
425.00	463	SUNRISE MILLET LOT 6432 IN COLORED BAG		12.60	5,355.00

Subtotal	6,050.00
Sales Tax	
<b>Total Invoice Amount</b>	<b>6,050.00</b>
Payment Received	
<b>TOTAL</b>	<b>6,050.00</b>

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Num

Invoice D  
 Apr 10, 20

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 OAKSHIRE MUSHROOM FARMS  
 PO BOX 388  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
OAKMUSH				Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		4/9/07	5/10/07
Quantity	Item	Description	Unit Price	Extension	
460.00	463	SUNRISE MILLET SEED LOT 6432 IN BLUE BAG	15.75	7,245.00	

Subtotal	7,245.00
Sales Tax	
Total Invoice Amount	7,245.00
Payment Received	
<b>TOTAL</b>	<b>7,245.00</b>

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number  
 5  
 Invoice Date  
 Apr 4, 20  
 Pa

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		4/3/06	5/4/07
Quantity	Item	Description		Unit Price	Extension
50.00	463	SUNRISE MILLET SEED LOT 6432 IN BROWN BAG		13.90	695.0
425.00	463	SUNRISE MILLET SEED LOT 6432 IN COLORED BAG		12.60	5,355.0

Subtotal	6,050.0
Sales Tax	
Total Invoice Amount	6,050.0
Payment Received	
<b>TOTAL</b>	<b>6,050.0</b>

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number  
 5

Invoice Date  
 Mar 28, 20

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		3/27/07	4/27/07
Quantity	Item	Description	Unit Price	Extension	
50.00463		SUNRISE MILLET SEED LOT 6433 IN BROWN BAG	13.95	697.5	
425.00463		SUNRISE MILLET SEED LOT 6433 IN YELLOW BAG	12.65	5,376.2	

Subtotal	6,073.75
Sales Tax	
Total Invoice Amount	6,073.75
Payment Received	
<b>TOTAL</b>	6,073.75

Check No:



LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number  
 Invoice Date  
 Mar 16, 2007  
 Page

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		3/16/07	4/15/07
Quantity	Item	Description	Unit Price	Extension	
50.00	463	SUNRISE MILLET SEED LOT 6433 IN BROWN BAG	13.95	697.50	
425.00	463	SUNRISE MILLET SEED LOT 6434 IN RED COLORED BAG	12.65	5,376.25	

Subtotal 6,073.75  
 Sales Tax  
 Total Invoice Amount 6,073.75  
 Payment Received  
**TOTAL** 6,073.75

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Num

Invoice D  
 Mar 13, 20

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1 1/2 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		3/13/07	4/12/07
Quantity	Item	Description	Unit Price	Extension	
50.00463		SUNRISE MILLET LOW DEHULL LOT 6433 IN BROWN BAG 100 X 50 LBS	13.95	697.5	
425.00463		SUNRISE MILLET LOT 6434 IN RED BAGS 850 X 50 LBS	12.65	5,376.2	

Subtotal 6,073.7  
 Sales Tax  
 Total Invoice Amount 6,073.7  
 Payment Received  
**TOTAL** 6,073.7

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number  
 5

Invoice Date  
 Feb 26, 20  
 Pa

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		2/26/07	3/28/07
Quantity	Item	Description	Unit Price	Extension	
100.00	463	DAWN MILLET SEED LOT 6433 IN BROWN BAG	13.80	1,380.00	
375.00	463	SUNRISE MILLET SEED LOT 6434 IN COLORED BAG	12.50	4,687.50	

Subtotal 6,067.50  
 Sales Tax  
 Total Invoice Amount 6,067.50  
 Payment Received  
**TOTAL** 6,067.50

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Num

Invoice D  
 Feb 13, 2

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

Sold To:  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

Ship to:

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	
		D & E TRANSPORT		2/12/07	
Due Date				3/15/07	
Quantity	Item	Description	Unit Price	Extension	
50.00	463	LOW DEHULL SEED MILLET LOT 6433 IN BROWN BAG 100 X 50 LBS	13.80	690.00	
425.00	463	SUNRISE MILLET SEED LOT 6433 IN YELLOW BAG 850 X 50	12.50	5,312.50	

Subtotal 6,002.50  
 Sales Tax  
 Total Invoice Amount 6,002.50  
 Payment Received  
**TOTAL 6,002.50**

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

Inv  
 Invoice 1

Invoice  
 Jan 26

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

Sold To:  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

Ship to:

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPOR		1/26/07	2/25/07
Quantity	Item	Description	Unit Price	Extension	
100.00	463	LOW DEHULL DAWN MILLET SEED LOT 6433 IN BROWN BAG 200 X 50 LBS	13.80	1,380	
360.00	463	SUNRISE MILLET SEED LOT 6433 IN YELLOW BAG 720 X 50 LBS	12.50	4,500	

Subtotal 5,880  
 Sales Tax  
 Total Invoice Amount 5,880  
 Payment Received  
 TOTAL 5,880

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number

Invoice Date  
 Jan 19, 2007  
 Page

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1 & 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		1/18/07	2/18/07
Quantity	Item	Description	Unit Price	Extension	
425.00463		SUNRISE MILLET LOT 6431 850 X 50 LBS	12.50	5,312.50	

Subtotal	5,312.50
Sales Tax	
Total Invoice Amount	5,312.50
Payment Received	
<b>TOTAL</b>	<b>5,312.50</b>

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invo**  
 Invoice Nu

Invoice  
 Jan 18,

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 OAKSHIRE MUSHROOM FARMS  
 PO BOX 388  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
OAKMUSH				Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		Airborne		1/18/07	2/17/07
Quantity	Item	Description		Unit Price	Extension
50.00454		RYMIN RYE SEED LOT 6432 YELLOW BAG WITH ANALYSIS TAG LOADED ON REAR.		9.75	487

Subtotal 487.  
 Sales Tax  
 Total Invoice Amount 487.  
 Payment Received  
**TOTAL** 487.

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Inv**  
 Invoice Nu

Invoice  
 Jan 9,

Voice: 605/397-8111  
 Fax: 605/397-8361

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH		CONTRACT 296 LOAD #2		1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		1/8/07	2/8/07
Quantity	Item	Description	Unit Price	Extension	
50.00	463	LOW DEHULL MILLET SEED LOT 6432 IN BROWN BAG	13.80	690	
400.00	463	SUNRISE MILLET SEED LOT 6431 IN COLORED BAG	12.50	5,000	

Subtotal	5,690.
Sales Tax	
<b>Total Invoice Amount</b>	5,690.
Payment Received	
<b>TOTAL</b>	5,690.

Check No:



LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**

Invoice Number

Invoice Date

Dec 21, 2006

Page

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		12/20/06	1/20/07
Quantity	Item	Description	Unit Price	Extension	
50.00	463	LOW DEHULL SUNRISE MILLET SEED	13.65	682.50	
		LOT 6429 CONTRACT 296			
425.00	463	SUNRISE MILLET SEED LOT 6429	12.35	5,248.75	

Subtotal	5,931.25
Sales Tax	
<b>Total Invoice Amount</b>	<b>5,931.25</b>
Payment Received	
<b>TOTAL</b>	<b>5,931.25</b>

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number

Invoice D  
 Dec 11, 2006  
 Pa

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

Sold To:  
 L.F. LAMBERT SPAWN  
 PO BOX 407  
 COATESVILLE, PA 19320

Ship to:

Customer ID		Customer PO		Payment Terms	
LAMBERT				Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		12/11/06	1/10/07
Quantity	Item	Description		Unit Price	Extension
492.50	454	DACOLD SEED RYE IN TOTES LOT 6420		7.50	3,693.
25.00	463	WHITE MILO SEED 50/50 LBS		19.50	487.

Subtotal	4,181.
Sales Tax	
Total Invoice Amount	4,181.
Payment Received	
<b>TOTAL</b>	<b>4,181.</b>

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Number

Invoice Date  
 Dec 15, 2006

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 PHILLIPS MUSHROOM FARMS  
 PO BOX 190  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
PHILMUSH				1% 10, Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		12/14/06	1/14/07
Quantity	Item	Description	Unit Price	Extension	
25.00463		LOW DEHULL MILLET SEED LOT 6430	10.65	266.25	
450.00463		SUNRISE MILLET SEED LOT 6428	9.40	4,230.00	

Subtotal	4,496.25
Sales Tax	
<b>Total Invoice Amount</b>	4,496.25
Payment Received	
<b>TOTAL</b>	4,496.25

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Nu

Invoice  
 Nov 27,

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 OAKSHIRE MUSHROOM FARMS  
 PO BOX 388  
 KENNETT SQUARE, PA 19348

**Ship to:**

Customer ID		Customer PO		Payment Terms	
OAKMUSH				Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E TRANSPORT		11/27/06	12/27/06
Quantity	Item	Description	Unit Price	Extension	
460.00	463	SUNRISE MILLET SEED LOT 6429 LOW DEHULL IN COLORED BAG WITH TAG	19.80	9,108	
460.00	463	FUEL SURCHARGE \$.91 PER CWT	0.91	418	

Subtotal	9,526
Sales Tax	
<b>Total Invoice Amount</b>	9,526
Payment Received	
<b>TOTAL</b>	9,526

Check No:

LW SALES, INC.  
 PO BOX 668  
 GROTON, SD 57445

**Invoice**  
 Invoice Num  
 Invoice Da  
 Nov 13, 20  
 Pa

Voice: 605/397-8111  
 Fax: 605/397-8361

Duplicate

**Sold To:**  
 L.F. LAMBERT SPAWN  
 PO BOX 407  
 COATESVILLE, PA 19320

**Ship to:**

Customer ID		Customer PO		Payment Terms	
LAMBERT				Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		D & E		11/9/06	12/13/06
Quantity	Item	Description		Unit Price	Extension
499.40454		DACOLD SEED RYE LOT 6420		7.50	3,745.5

Check No:

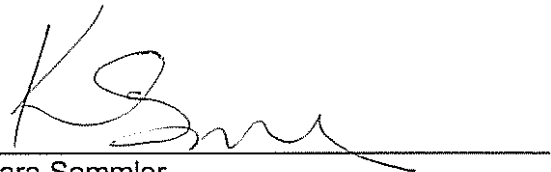
Subtotal	3,745.5
Sales Tax	
Total Invoice Amount	3,745.5
Payment Received	
<b>TOTAL</b>	<b>3,745.5</b>

CERTIFICATE OF SERVICE

I hereby certify that copies of Request for Hearing on Staff's Motion for Summary Judgment were served on the following electronically or by mailing the same to them by United States Post Office First Class Mail, postage thereon prepaid, at the addresses shown below on this the 9th day of November, 2007.

Mr. Larry Wheeting  
LW Sales  
P.O. Box 668  
Groton, SD 57445-0668

Ms. Kari A. Bartling  
Attorney at Law  
Kolker Law Office  
P.O. Box 467  
Groton, SD 57445-0467

A handwritten signature in black ink, appearing to read 'K Semmler', is written over a horizontal line.

Kara Semmler  
Staff Attorney