

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

**IN THE MATTER OF LW SALES/LW SEED'S)
FAILURE TO OBTAIN NECESSARY)
LICENSURE PRIOR TO OPERATON AS A)
GRAIN DEALER IN THE STATE OF SOUTH)
DAKOTA)**

GD07-001

STIPULATION

COMES NOW, LW Sales, Inc. a/k/a LW Seed (hereinafter "LW Sales") and any other entity owned, controlled or operated by Larry Wheeting and the Public Utilities Commission of the State of South Dakota (hereinafter "PUC") and hereby stipulate and agree as follows:

1. That the above-captioned matter arises out of a complaint filed with the PUC that LW Sales was selling millet, and other products that can be classified as grain, to certain entities in the mushroom industry, and that such sales were being made without LW Sales having a South Dakota grain dealers license.
2. That the parties have agreed that, in order to settle this matter, LW Sales will stipulate to a civil fine of \$1,000.00 pursuant to SDCL 49-45-1.
3. In exchange, the PUC will dismiss any and all complaints it has or may bring against LW Sales for any and all alleged sales of millet, or any other products classified as grain, it sold to any mushroom entity which were sold up to the date of this agreement.
4. That LW Sales agrees that, from the date of this agreement forward, if LW Sales desires to purchase millet, or any other products that can be classified as grain, and resell it to any entities engaged in the mushroom industry or to any other entities that would use the millet or other products as grain rather than seed, it will follow all PUC rules and regulations. Further LW Sales agrees that from the date of this Agreement forward sales, of millet, rye or any other seeds that could be classified as grain will constitute grain sales requiring a

license from the PUC except seed sales to producers who intend to plant the seed for reproduction of the species being planted.

5. That LW Sales shall cooperate with the PUC grain warehouse division on any future compliance inspection.

6. That the parties agree that this Stipulation may be memorialized in a Commission order, a violation of which constitutes contempt.

Dated this 20th day of November, 2007.

LW Sales, Inc.

South Dakota Public Utilities Commission

By: Larry Wheelby
Its: President

By: Karl Smith
Its: Staff Attorney