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March 8, 2007

Kara Van Bockern
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre SD 57501-5070

Re: In the Matter of LW Sales/LW seed's Failure to Obtain Necessary Licensure Prior to
Operation as a Grain Dealer in the State of South Dakota Docket GD 07-001

Dear Ms. Van Bockern:

This letter follows our telephone conversation of March 7, 2007 concerning the above referenced matter. I am representing Mr. Wheeting with respect to this matter.

It is my understanding that the issue that the Public Utilities Commission is addressing in this situation is that the Public Utilities Commission and the Department of Agriculture both feel that Mr. Wheeting is not complying fully with either one of their laws. As I understand it, the Public Utilities Commission is not claiming that the millet is grain as defined by South Dakota Law. Rather, the Public Utilities Commission is concerned that if Mr. Wheeting is treating it as seed, he must comply with the seed dealers license requirements. This includes having the necessary germination and other testing done to the seed.

I have had an opportunity to speak with Mr. Wheeting regarding this matter and I indicated that my understanding of your position was that the Public Utilities Commission wanted Mr. Wheeting to determine whether he wanted to be classified as a grain dealer or a seed dealer and once he determined that, that he needed to comply with the applicable law. Mr. Wheeting indicates he is already a seed dealer and he agrees that he would like to continue to do so and that he would comply with the seed dealers law as far as germination and testing is concerned.

Based on the fact that Mr. Wheeting would be governed by the Department of Agriculture in this situation as a seed dealer, I am wondering if it is necessary for us to have a hearing in this matter. I would like your thoughts as to the next step that we need to take in order to facilitate what needs to happen in this matter.

If you could give me a call so that we could discuss this, I would greatly appreciate it. Best regards.

Sincerely,



Kari A. Bartling
KAB/gz