

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE
OF SOUTH DAKOTA

IN THE MATTER OF)	SETTLEMENT AGREEMENT
VIOLATIONS OF SDCL 49-45-1)	GW11-001
AND 49-45-9 BY SOUTH DAKOTA)	
WHEAT GROWERS)	

This Settlement Agreement is made and entered into between South Dakota Wheat Growers (SDWG) and the Grain Warehouse Director of the Public Utilities Commission.

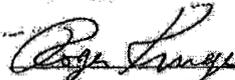
On February 23, 2011 a Public Utilities Commission grain warehouse inspector conducted a regular inspection of the SDWG facility in Bristol, South Dakota. During the course of the inspection he learned that SDWG were operating a new facility in Andover, South Dakota. After further investigation, he learned that the Andover facility was operating without the required grain buyer bond and grain buyer license. SDWG immediately committed to license and bond the facility. Consequences of the late licensure are specified in statute.

The Grain Warehouse Director of the PUC and SDWG stipulate to the facts below and agree to resolve the inadvertent violations as follows.

1. The facility has been operating in Andover, SD since October 14, 2010.
2. The facility is subject to licensure as required by SDCL 49-45-1.
3. The facility is also required pursuant to SDCL 49-45-9 to obtain a bond.
4. SDWG failed to either license or bond the facility before it began operations.
5. The failure was unintentional.
6. Both SDWG and the Grain Warehouse Director at the PUC acknowledge the facility is subject to the maximum penalties allowed under the law. Due to SDWG compliance history, however, and the nature of this violation, neither believe the maximum penalty is appropriate.
7. SDWG agrees to pay to the South Dakota Public Utilities Commission a penalty in the amount of Six Thousand Seven Hundred Dollars (\$6,700) for the statutory violations.

8. SDWG agrees to immediately license and bond the facility and to properly maintain the same.
9. The Grain Warehouse Director agrees this represents final disposition of the issues specified herein.

South Dakota Wheat Growers

BY: 

Roger Krueger

TITLE: V.P. Grain

DATE: 3/3/2011

Grain Warehouse Department of the Public Utilities Commission

By: 

James Mehlhoff

Title: Director

Date: 3-3-2011