

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

**IN THE MATTER OF THE GRAIN BUYER
LICENSE OF UTICA GRAIN, INC. DBA
UPPER MIDWEST GRAIN ELEVATOR**

**NOTICE OF APPEARANCE AND
INTENTION TO RESPOND TO
PETITION**

GW18-001

Please take notice that Mitchell Peterson and the law firm of Davenport, Evans, Hurwitz & Smith, L.L.P., will appear before the Public Utilities Commission of the State of South Dakota in the above-captioned matter to respond to the petition to suspend the grain buyer license of Utica Grain, Inc. d/b/a Upper Midwest Grain Elevator (“Utica Grain”) under SDCL 49-45-16.

Utica Grain objects to and opposes suspension of its grain buyer license. Utica Grain will meet all statutory and regulatory requirements with respect financial reporting and solvency, with any potential past deficiencies being corrected through management changes, improved reporting practices, and increased capitalization to meet the statutory requirements. Utica Grain customers are not at risk financially for any grain transactions. Utica Grain has always paid its customers promptly upon request and it will continue to do so. Utica Grain has improved and will continue to improve its financial reporting to the PUC, including management and oversight of that reporting process. Utica Grain has met and will continue to meet all requirements of the PUC, including those under SDCL 49-45-16 and ARSD 20:10:12:15.

Utica Grain will attend the hearing set for Friday, August 24, 2018, at 9:30 a.m., and present evidence and arguments against suspension of its grain buying license. Utica Grain looks forward to cooperating with the PUC in all regards to insure that all legal requirements are met and that all concerns of the PUC are addressed.

Dated at Sioux Falls, South Dakota, this 22nd day of August, 2018.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.

A handwritten signature in cursive script, appearing to read "Mitchell Peterson".

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