

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

IN THE MATTER OF GREEN LEAF)	
COMMODITIES, LLC’S FAILURE TO)	MOTION FOR AN ORDER TO
TIMELY RESPOND PURSUANT TO)	SHOW CAUSE
SDCL 49-45-26)	
)	
)	GW19-001
)	

COMES NOW, the Staff of the South Dakota Public Utilities Commission (Commission), pursuant to SDCL 49-45-26 and ARSD 20:10:12, and moves the Commission to issue an Order to Show Cause, pursuant to ARSD 20:10:01:45, in the above-entitled matter. By this Motion, Staff requests that the Commission order requiring that Greenleaf Commodities (Greenleaf) come forward and show cause as to why the Commission should not assess a civil monetary fine against Greenleaf.

I. Factual Background

The material facts are set out in the Affidavit of Cody Chambliss attached hereto. Staff began investigating Greenleaf after receiving an inquiry regarding Greenleaf’s financial situation. The purpose of Staff’s investigation was to determine whether Greenleaf was acting as a grain buyer pursuant to SDCL Chapter 49-45 and, therefore, needed to be licensed. Greenleaf was unresponsive and uncooperative. During Staff’s investigation, Staff received complaints from sellers that had not been paid by Greenleaf. Staff also received information from other jurisdictions regarding nonpayment and potential fraud. Pursuant to SDCL 49-45-26, Staff sent a data request to Greenleaf. Greenleaf failed to respond to or acknowledge the data request.

II. Legal Analysis

Pursuant to SDCL 49-45-26, every grain buyer, whether licensed or unlicensed, “shall have the ability to provide all of the books, accounts, and electronic records relating to the transactions

of the grain buyer, either within or without the state, upon request or within five working days of the request.” The Commission may assess a civil fine in an amount not to exceed \$1,000 for each day requested materials are withheld up to a maximum of \$20,000.

III. Requested Relief

Staff requests that the Commission order requiring that Greenleaf Commodities come forward and show cause as to why the Commission should not assess a civil monetary fine against Greenleaf. Staff also requests the Commission refer this matter to the proper state’s attorney for possible prosecution.

Dated this 15th day of February 2019.



Kristen N. Edwards
Staff Attorney
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Phone (605)773-3201
Kristen.edwards@state.sd.us