

Public Utilities Commission
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Room 414, 4th floor, State Capitol, Pierre, South Dakota, on July 30, 2013, at 1:00 p.m., to consider the adoption and amendment of proposed rules numbered 20:10:11:01; 20:10:11:04.02; 20:10:11:10; 20:10:11:12.1; 20:10:11:12.2; 20:10:11:14; 20:10:11:15; 20:10:11:16; 20:10:11:17; 20:10:12:05; 20:10:12:05.01; 20:10:12:05.02; 20:10:12:10; 20:10:12:11; 20:10:12:12; 20:10:12:13; 20:10:12:14; 20:10:12:15; 20:10:12:18; 20:10:12:19.

These revisions affect rules regarding the regulation of grain buyers and grain warehouses by the Public Utilities Commission. The effect of the revisions to the citations for "general authority" and "law implemented" is to provide updated citations. The reason is to reflect changes in the statutes wherein statutes from a repealed chapter are now in another chapter. These are the only changes to 20:10:11:16 and 20:10:11:17.

The effect of the revisions to 20:10:11:01 is to revise and update the monthly grain report rule. The reasons are to allow a grain warehouse the option of furnishing its monthly grain report online and allow pricing options for reports.

The effect of the revisions to 20:10:11:04.02 is to revise the release of bond requirements. The reason is a slight revision to the requirement regarding replacement bonds.

The effect of the revisions to 20:10:11:10 is to require that notice of a suspension or revocation of a grain warehouse license must be posted in all locations where grain is received. The reason is to help ensure that the notice will be more visible to the public.

The effect of 20:10:11:12.1 and 20:10:11:12.2 is to put in procedures for the handling of electronic warehouse receipts. The reasons for the rules are to ensure the receipts are correctly numbered, that only one receipt is issued for the same lot of grain, and to require a power of attorney if someone other than the depositor is handling an electronic receipt.

The effect of the revisions to 20:10:11:14 and 20:10:12:14 is to revise financial statement requirements for applicants for a warehouse or grain buyer license by changing the types of allowed financial statements and what statements are required under what specified circumstances. The reason for the revisions is to revise, clarify, and update financial statement requirements.

The effect of the revisions to 20:10:11:15 and 20:10:12:15 is to revise balance sheet requirements. The reasons for the revisions are to strengthen balance sheet requirements regarding current assets as compared to liabilities and to require an applicant for a class A grain buyer license to show a specified positive net worth.

The effect of the revision to 20:10:12:05 is to require a grain buyer's bond to list each location of the buyer. The reason is to ensure that all locations of the grain buyer are included in the bond.

The effect of 20:10:12:05.01 is to set forth the requirements if an additional bond is furnished by a grain buyer. The reason for the rule is to clarify how and when a grain buyer may provide additional bonds.

The effect of 20:10:12:05.02 is to state when a bond may be released. The reason is to ensure that bond coverage is provided throughout the entire license year.

The effect of the changes to 20:10:12:10, 20:10:12:11, and 20:10:12:12 is to repeal these rules. The reason is that decals for grain buyer vehicles are no longer required by statute.

The effect of the revisions to rule 20:10:12:13 is to allow a voluntary credit sale grain contract that is not signed by both parties to be enforceable if a writing in confirmation is sent and no objection is made to the writing in confirmation. The reason for the revision is to prescribe the actions that must be taken to render a grain purchase agreement not signed by both parties to be enforceable.

The effect of 20:10:12:18 is to set notice requirements if a grain buyer's license is suspended or revoked. The reason is to give notice to producers and others that the license is suspended or revoked.

The effect of rule 20:10:12:19 is to require notice of the transfer of ownership of a grain buyer's grain receiving facility. The reason is to ensure that producers, the bond surety, and the Commission are aware of ownership transfers.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by August 9, 2013, to be considered.

After the hearing, the Commission will consider all written and oral comments it receives on the proposed rules. The Commission may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the
Public Utilities Commission
State Capitol
500 East Capitol
Pierre, South Dakota 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: <http://puc.sd.gov/Dockets/Rulemaking/2013/default.aspx>

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