

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

IN THE MATTER OF THE GRAIN WAREHOUSE)
AND GRAIN DEALER LICENSES OF UTICA)
GRAIN AND FEED, INC.)

ORDER REOPENING
RECORD
GD97-001

The Commission licensed the above grain dealer and warehouse operator, Utica Grain and Feed, Inc. (Utica), on July 1, 1996, to conduct business as a grain warehouse and a grain dealer pursuant to SDCL Chapters 49-43 and 49-45. On April 4, 1997, Utica agreed to a voluntary relinquishment of its grain dealer license. The Commission performed an audit of Utica's records on April 8-9, 1997, as provided by law and ascertained the quantity and classes of grain. Utica has voluntarily relinquished its grain dealer's license and conducts its grain warehouse business under review of the Commission with the further provision that it no longer accepts grain for storage nor will it issue warehouse receipts. The Commission on its own motion issued an Order to Show Cause and Notice of Hearing on April 11, 1997, and conducted a hearing on this matter in Yankton, South Dakota, on April 16, 1997. The issues at the hearing were whether Utica had sufficient funds to satisfy all current outstanding grain payables, meet its obligations as a grain warehouse, and whether it is otherwise financially and managerially fit to continue operations as a grain warehouse and a grain dealer within South Dakota. During the hearing, Utica presented evidence indicating that it was working on a reorganization plan in conjunction with its primary lender. On April 25, 1997, the Commission received the transcript of the hearing.

Upon motion of staff and concurrence of the attorney for Utica, Mr. Tom Alberts, the Commission found it to be in the best interest of the parties to reopen the record in this docket for the purpose of receiving additional evidence regarding the recapitalization of Utica and to leave the record open for a specific period of time, namely until 5:00 P.M., on Wednesday, May 7, 1997. It is therefore

ORDERED, that the record in this docket shall be reopened and that evidence may be taken to supplement the present record. It is further

ORDERED, that the parties shall have until 5:00 P.M., on May 7, 1997, to supplement the record by stipulation or otherwise seek a continuance for the purpose of scheduling a hearing for supplementing the record.

Dated at Pierre, South Dakota, this 7th day of May, 1997.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Debra Kaelbo</u>
Date: <u>5/7/97</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner