

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

IN THE MATTER OF LW SALES/LW SEED'S)	ORDER GRANTING MOTION
FAILURE TO OBTAIN NECESSARY)	FOR SUMMARY JUDGMENT
LICENSURE PRIOR TO OPERATION AS A)	
GRAIN DEALER IN THE STATE OF SOUTH)	GD07-001
DAKOTA)	

On March 1, 2007, Commission Staff (Staff) filed a Motion for Order to Show Cause (Motion) against LW Sales/LW Seeds (LW) alleging that LW was acting as a grain dealer without a license as is required by SDCL 49-45-1. At its March 13, 2007, regular meeting, the Commission voted unanimously to issue an Order to Show Cause against LW.

On April 30, 2007, the Commission issued an Order Setting Procedural Schedule. On July 9, 2007, the Commission received a Motion for Amendment of Scheduling Order and Brief in Support of Motion for Amendment of Scheduling Order from Commission Staff.

At its regularly scheduled meeting of July 11, 2007, the Commission considered the Motion for Amendment of Scheduling Order. The Commission unanimously voted to grant the Motion for Amendment of Scheduling Order. On July 26, 2007, the Commission issued an Order Granting Motion for Amendment of Scheduling Order and a Second Order Setting Procedural Schedule.

On July 27, 2007, the Commission received a Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment from Commission Staff. On August 13, 2007, the Commission received LW Sales Brief in Resistance to Commission Staff's Motion for Summary Judgment. On August 24, 2007, the Commission received a Reply Brief in Support of Motion for Summary Judgment from Commission Staff.

At its regularly scheduled meeting of August 28, 2007, the Commission considered the Motion for Summary Judgment. Commission Staff recommended approval. The Commission unanimously voted to grant the Motion for Summary Judgment. In addition, the Commission unanimously voted to fine LW \$400.00 and ordered it to stop selling grain, including sales into the mushroom industry, without a grain dealer's license.

The Commission has jurisdiction in this matter pursuant to SDCL 49-45-1 through 49-45-9 and ARSD 20:10:12. It is therefore

ORDERED, that the Motion for Summary Judgment is hereby granted. It is further

ORDERED, that LW shall pay a fine of \$400.00 and shall stop selling grain, including sales into the mushroom industry, without a grain dealer's license.

Dated at Pierre, South Dakota, this 18th day of September, 2007.

CERTIFICATE OF SERVICE

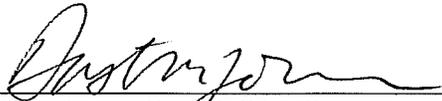
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.

By: _____

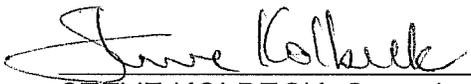
Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:


DUSTIN M. JOHNSON, Chairman


GARY HANSON, Commissioner


STEVE KOLBECK, Commissioner