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

IN THE MATTER OF ANDERSON SEED	)	ORDER ON RECONSIDERATION
CO. INC.'S GRAIN BUYER'S LICENSE	)	
	)	GW12-001

On February 16, 2012, the staff of the Grain and Warehouse Division (Staff) of the Public Utilities Commission (Commission) filed a Petition requesting the Commission to immediately suspend Anderson Seed Co., Inc.'s (Anderson) grain buyer license pursuant to SDCL 49-45-16. On February 17, 2012, the Commission issued its Order Suspending License. No request for hearing was made. On March 13, 2012, the Commission issued an Order Revoking License and for Commencement of Receivership Action (Order). The Order revoked Anderson Seed Co. Inc.'s grain buyer license pursuant to SDCL 49-45-16 and ordered the commencement of an action for receivership in Spink County pursuant to SDCL 49-45-16.1 as expeditiously as possible for the purpose of administrating the claims process against Anderson's grain buyer bond and bond proceeds distribution, and also for the purpose of taking possession of Anderson's grain inventory, processed grain inventory, and other assets located in South Dakota, including recently transferred or assigned assets, and proceeds from the sale or liquidation of such assets. On March 20, 2012, Staff filed a Motion for Reconsideration of the portion of the Order pertaining to Anderson's assets or recently transferred assets. The request was made due to information Staff gathered showing that the assets subject to the March 13, 2012 Order have been either purchased by a third party or are subject to a pending purchase agreement and are fully encumbered with secured debt.

At its regularly scheduled March 27, 2012 meeting, the Commission, with Commissioner Hanson not participating due to recusal, voted unanimously to reconsider that portion of its March 13, 2012, Order regarding Anderson's grain inventory, processed grain inventory, and other assets located in South Dakota, including recently transferred or assigned assets, and proceeds from the sale or liquidation of such assets and to deny approval for commencement of action for receivership of Anderson's grain inventory, processed grain inventory, and other assets located in South Dakota, including recently transferred or assigned assets, and proceeds from the sale or liquidation of such assets.

## It is therefore

ORDERED, that on reconsideration, the Commission's March 13, 2012 Order is modified to rescind its previous decision to commence action to seek receivership for possession of Anderson's grain inventory, processed grain inventory, and other assets located in South Dakota, including recently transferred or assigned assets, and proceeds from the sale or liquidation of such assets; and it is further

ORDERED, that the second ordering clause in the Commission's March 13, 2012 Order is modified to read as follows:

ORDERED, that the Commission shall commence an action for receivership in Spink County pursuant to SDCL 49-45-16.1 as expeditiously as possible for the purpose of administrating the claims process against Anderson's grain buyer bond and bond proceeds distribution.

Dated at Pierre, South Dakota, this 4th day of April, 2012.

## **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.

Date:

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

CHRIS NELSON Chairman

KRISTIE FIEGEN, Commissioner