

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

<b>IN THE MATTER OF ANDERSON ) SEED CO. INC.'S GRAIN BUYER ) BOND ) ) ) )</b>	)	<b>ORDER APPROVING REQUEST FOR INCLUSION OF LATE-FILED CLAIM AND RECOGNITION OF ASSIGNMENT</b>
		<b>GW12-002</b>

On February 16, 2012, the staff of the Grain and Warehouse Division (Staff) of the South Dakota 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. The Petition and other documents pertaining to the license suspension and revocation proceeding were docketed as Docket GW12-001. On February 17, 2012, the Commission issued its Order Suspending License in Docket GW12-001. On March 13, 2012, the Commission issued an Order Revoking License and for Commencement of Receivership Action in Docket GW12-001. On April 4, 2012, the Commission issued an Order on Reconsideration in Docket GW12-001. On April 5, 2012, as a result of the Order on Reconsideration in Docket GW12-001, Staff filed a Petition for Receivership, a proposed Order, Notice of Hearing, and Certificate of Service with the Spink County Clerk of Court and opened Docket GW12-002 before the Commission. The documents filed with the Court were served on Anderson, Auto-Owners Insurance Company as surety on the Anderson grain buyer bond (Bond), and on all known Anderson patrons. On May 1, 2012, the Fifth Circuit Court heard the Commission's Petition and issued an Order Appointing South Dakota Public Utilities Commission as Receiver (Receivership Order) over the proceeds of the Bond (Proceeds). On May 17, 2012, the Commission received the Proceeds from the surety.

On June 6, 2012, Staff filed a proposal regarding Commission adjudication and distribution of the Proceeds. On June 28, 2012, the Commission issued an Order Approving Claims Adjudication Process specifying that notice of the claims process and Proof of Claim forms be served by certified mail on all known patrons of Anderson and by publication. On June 29, 2012, Staff served by certified mail Proof of Claim forms and an explanatory letter outlining the process and filing deadline of September 18, 2012, on all known patrons of Anderson. Notice of the claims process was also given by publication. On July 9, 2012, the Commission received a proof of claim form from Jason Nagel for grain that was jointly owned by Jason Nagel and Gary Nagel. On September 20, 2012, the Commission received a proof of claim form from Alan and Cindy Biegler, post marked September 19, 2012. On October 9, 2012, Staff sent letters to each Anderson patron who filed a proof of claim form setting forth Staff's analysis and recommendations regarding the claim. On October 24, 2012, the Commission received an email from Cindy and Alan Biegler requesting that their late-filed claim be accepted in the bond proceeds distribution process. On November 14, 2012, the Commission received an affidavit from Gary Nagel assigning his portion of the claim to Jason Nagel.

The Commission has jurisdiction over this matter pursuant to the Receivership Order and SDCL Chapters 1-26 and 49-45, specifically, 49-45-6, 49-45-9, 48-45-11, and 49-45-16.1 and ARSD Chapters 20:10:01 and 20:10:12.

On November 27, 2012, the Commission transmitted to all interested parties of the agenda for its December 4, 2012, meeting at which the Bieglers' request for acceptance of late filed claim and the assignment from Gary Nagel to Jason Nagel would be heard. At the December 4, 2012, meeting, the Commission considered whether to approve the request for inclusion of the late-filed claim and recognition of the assignment. Commission Staff recommended approval of both the request for inclusion of the late-filed claim and recognition of

the assignment. The Commission voted unanimously to accept the late-filed claim and recognize the assignment. It is therefore

ORDERED, that the claim filed by Alan and Cindy Biegler shall be included in the bond proceeds distribution process. It is further

ORDERED, that the assignment of the claim from Gary Nagel to Jason Nagel shall be recognized by the Commission.

Dated at Pierre, South Dakota, this 4th day of December, 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, electronically.	
By:	<u>Joy Young</u>
Date:	<u>12.4.12</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner