

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

**IN THE MATTER OF ANDERSON )  
SEED CO. INC.'S GRAIN BUYER'S )  
LICENSE )**

**ORDER APPROVING CLAIMS  
ADJUDICATION PROCESS**

**GW12-002**

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 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. 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.

On April 5, 2012, as a result of the Commission's April 4, 2012, Order, Commission Staff filed a Petition for Receivership, a proposed Order, Notice of Hearing, and a Certificate of Service with the Spink County Clerk of Court. The documents were also served on parties and on known Anderson Seed Co. Inc. 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 over the proceeds of the grain buyer's bond. On June 6, 2012, Commission staff filed a proposal regarding Commission adjudication and distribution of said bond.

At its regularly scheduled June 19, 2012 meeting, the Commission, with Commissioner Hanson not participating due to recusal, voted unanimously to approve Staff's proposal regarding the procedure for adjudication and distribution of the bond, but added that individual claimant notice shall be sent certified mail. It is therefore

**ORDERED**, that the Commission, approves Staff's proposal regarding the procedure to be followed for adjudication and distribution of the bond with the addition that individual claimant notice be sent via certified mail.

Dated at Pierre, South Dakota, this 28th day of June, 2012.

<b>CERTIFICATE OF SERVICE</b>
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>[Signature]</u>
Date: <u>6-28-12</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature]  
CHRIS NELSON, Chairman

[Signature]  
KRISTIE FIEGEN, Commissioner