

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

<b>IN THE MATTER OF GREEN LEAF )</b>	<b>ORDER GRANTING MOTION</b>
<b>COMMODITIES, LLC'S FAILURE TO TIMELY )</b>	<b>TO WITHDRAW SHOW</b>
<b>RESPOND PURSUANT TO SDCL 49-45-26 )</b>	<b>CAUSE DOCKET WITHOUT</b>
)	<b>PREJUDICE; ORDER</b>
)	<b>CLOSING DOCKET</b>
)	
)	
)	<b>GW19-001</b>

On February 15, 2019, the staff (Staff) of the South Dakota Public Utilities Commission (Commission) filed a Motion for an Order to Show Cause (Motion) with an attached Affidavit of Cody Chambliss, Grain Warehouse Manager of the Public Utilities Commission, (Affidavit) against Green Leaf Commodities, LLC (Green Leaf). The Affidavit alleges that multiple data requests were made to Green Leaf and no response was received from Green Leaf or its owner and registered agent Kent Anderson. The Affidavit also alleges that Mr. Chambliss has received complaints from producers and other South Dakota licensed grain buyers against Green Leaf. The Motion requests that the Commission issue an Order to Show Cause with respect to Green Leaf ordering that Green Leaf appear before the Commission and show cause as to why it should not be found in violation of SDCL 49-45-26.

On February 21, 2019, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings listserv. No petitions to intervene or comments were filed. On March 4, 2019, the Commission issued an Order to Show Cause; Notice of Show Cause Hearing scheduling the Show Cause hearing for March 19, 2019.

Pursuant to SDCL 49-45-26, a grain buyer, whether licensed or unlicensed, who purchases grain within the state shall provide all of the books, accounts, and electronic records relating to the transactions of the grain buyer, either within or without the state, upon the request of the Commission's inspector or within five working days of the request. Any requested materials shall be provided to the Commission's inspector at a licensed location within the state or at the offices of the Commission. A willful violation of this section is a Class 1 misdemeanor. In addition, the Commission may assess a civil fine in an amount not to exceed one thousand dollars for each day the requested materials are withheld, up to a maximum of twenty thousand dollars.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-1, and 49-45, specifically 1-26-20, 49-1-11, 49-45-26, 49-45-27, and ARSD Chapter 20:10:12. The Commission may rely upon any or all of these or other laws of this state in making its determination and may take any other enforcement actions against Green Leaf as allowed by law.

On March 19, 2019, the Show Cause Hearing was held as scheduled. Neither Green Leaf nor any representative of Green Leaf appeared at the hearing. Staff detailed its numerous attempts to serve Green Leaf with notice of the Show Cause Hearing. Staff requested to withdraw the Motion for Order to Show Cause due to the inability to serve Green Leaf. Staff further requested the violations be referred to the state's attorney for prosecution. Having heard the arguments of Staff, the Commission voted unanimously to grant Staff's request to withdraw its Motion for a Show Cause Hearing and dismiss the Show Cause docket without prejudice and refer the matter to the appropriate state's attorney. It is therefore

ORDERED, that the request to withdraw the Motion for a Show Cause Hearing is granted and the Show Cause docket is dismissed without prejudice and the matter will be referred to the appropriate state's attorney. It is further

ORDERED, that the Show Cause docket be closed.

Dated at Pierre, South Dakota, this 27<sup>th</sup> day of March 2019.

<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 or by mail.
By: <u>Adam de Heck</u>
Date: <u>3/27/19</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson  
GARY HANSON, Chairman

Chris Nelson  
CHRIS NELSON, Commissioner

Kristie Fiegen  
KRISTIE FIEGEN, Commissioner