

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

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

COMES NOW Commission Staff (herein 'Staff'), by and through its attorney, Kara Van Bockern, in support of its Motion wherein it requested the Public Utilities Commission amend the Procedural Order signed by the Commissioners on April 30, 2007. Specifically, Staff requests the Commission modify the schedule to allow Staff an opportunity to file for Summary Judgment. After investigation, it appears Summary Judgment is the most expeditious mechanism available.

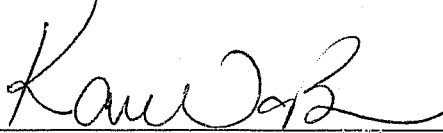
ARGUMENT

Staff did not contemplate the use of Summary Judgment when the initial Scheduling Order was signed by the Commission on April 30, 2007. Although LW Sales/LW Seed's failed to participate in Discovery, the information available to Staff indicates Summary Judgment is the best option to dispose of this docket. In the event Commissioner's grant this Motion, Staff intends to show no issue of material fact exists. Specifically, Staff will show LWSales/LWSeed's did indeed sell grain without a license. Staff, therefore, respectfully requests the Commission enter an order amending the April 30, 2007 Scheduling Order. Specifically Staff wishes to file for Summary Judgment on or before July 31, 2007, allowing LW Sales/LW Seed's to reply on or before August 13, 2007, and Staff to respond on or before August 24, 2007. Such a schedule will allow the hearing date to tentatively remain set for September 12 or 13, 2007.

CONCLUSION

It is in the Commission's best interest to address all dockets efficiently and expeditiously. Summary Judgment accomplishes both ends. Through the collection of facts, it appears Summary Judgment is appropriate in this docket. Staff, therefore, respectfully requests the Scheduling Order be modified accordingly.

Dated at Pierre, South Dakota, this 9th day of July, 2007.



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CERTIFICATE OF SERVICE

I hereby certify that copies of Brief in Support of Motion for Amendment of Scheduling Order were served on the following electronically or by mailing the same to them by United States Post Office First Class Mail, postage thereon prepaid, at the addresses shown below on this the 9th day of July, 2007.

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