

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE GRAIN BUYER
LICENSE OF H & I GRAIN OF HETLAND,
INC.

**SECOND
PETITION TO APPOINT
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION
AS RECEIVER**

GW17-002

Comes now the undersigned Petitioner, as counsel of record for the Plaintiffs in the matter of Chad Murphy et al. v. H & I Grain of Hetland, Inc. et al., Third Judicial Circuit, Kingsbury County, South Dakota, 38 CIV. 17 - 000045, and states as follows:

1. The Public Utilities Commission of the State of South Dakota (“Commission”) is an agency of the state of South Dakota created by SDCL 49-1-8.
2. The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-45, specifically 49-45-1, 49-45-3, 49-45-6, 49-45-7, 49-45-10, 49-45-13, 49-45-16, 49-45-17, 49-45-18, 49-45-19, 49-45-25, and ARSD 20:10:12.
3. Pursuant to SDCL 45-45-16.1, “the Commission may apply to the circuit court in the county in which the grain buyer operated for that court to appoint [the Commission as] a receiver.”
4. This Second Petition incorporates by reference, as if set forth fully herein, the Petition to Appoint South Dakota Public Utilities Commission as Receiver, GW17-002, dated April 13, 2018. *See Exhibit A.*”

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5. The grain sellers have suffered significant and consequential losses due to the insolvency of H & I Grain of Hetland, Inc.; and a receivership by the Commission is the last and only remedy that may be available to most of the grain sellers.

6. The following documents are incorporated by reference in support of this Second Petition to Appoint South Dakota Public Utilities Commission as Receiver:

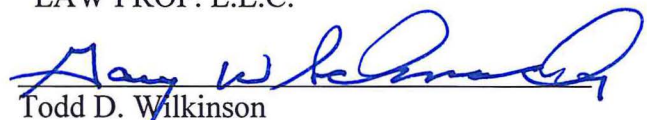
Order, GW17-002, In the Matter of the Grain Buyer License of H & I Grain of Hetland, Inc., dated August 8, 2018. *See* Exhibit B.

Order, In the Matter of Receivership of H & I Grain of Hetland, Inc., Kingsbury County, Third Judicial Circuit, South Dakota, 38 CIV. 18 – 000056, filed on October 2, 2018. *See* Exhibit C.

7. The Commission is respectfully urged to consider the grain sellers' Second Petition to Appoint South Dakota Public Utilities Commission as Receiver and take actions to recover on behalf of the grain sellers.

Dated this 10th day of October, 2018.

WILKINSON & SCHUMACHER
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