

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

**IN THE MATTER OF FARMERS)
COOPERATIVE ELEVATOR, AVON, SOUTH)
DAKOTA)
)
)**

**ORDER
GRANTING REQUEST TO
CLOSE THE DOCKET

GW21-002**

On July 7, 2021, the South Dakota Public Utilities Commission (Commission) received a Petition from the South Dakota Public Utilities Grain Program staff (staff) requesting the Commission immediately apply to the circuit court in which Farmers Cooperative Elevator (FCE) operates for that court to appoint a receiver pursuant to SDCL 49-43-5.6 and 49-45-16. Staff filed the Petition after becoming aware that FCE was unable to obtain a bond and was thus unable to obtain licenses beginning July 1, 2021. FCE's Grain Warehouse and Grain Buyer licenses for FY 2021 terminated on June 30, 2021. Upon receiving this information, staff conducted a full inspection of FCE. The inspection indicated that without immediate Commission intervention in the form of seeking receivership of the facility, FCE would likely be unable to pay the full amount owed to producers due to how quickly FCE is losing money and its inability to bring in additional revenue as a grain buyer or grain warehouse. In its Petition, staff stated that staff has worked with FCE and its bank since early 2019 and is no longer able work toward financial stability due to FCE's inability to obtain current licenses.

On July 8, 2021, the Commission electronically transmitted notice of the filing on the Commission's PUC Weekly Filings electronic listserv. A special hearing was held on July 9, 2021, pursuant to SDCL 1-25-1.3. On July 12, 2021, the Commission issued an Order Granting Request to Apply to the Circuit Court to Appoint a Receiver, directing staff to apply to the appropriate circuit court to be granted receivership of FCE. The Honorable Cheryle Gering, Circuit Court Judge, issued an Order Appointing Receiver. The Court's Order appointed Cody Chambliss as Receiver of FCE. On October 4, 2022, staff filed a Request to Close Docket, stating that all day-to-day receivership duties had concluded, all general payables and producers had been paid, and the only remaining duties of the Receiver related to collections activities. In its Request, staff noted that it did not intend to request the circuit court terminate the receivership until all collection activities had concluded and will continue to file the necessary reports with the court and obey all court orders but requested that the Commission affirm staff's conclusion that no additional action is necessary going forward and this docket can be closed.

The Commission has jurisdiction over this matter pursuant SDCL Chapters 1-26, 49-43, and 49-45, specifically, SDCL 49-45-1, 49-45-16, and 49-43-5.6.

At its regularly scheduled meeting on October 11, 2022, the Commission considered this matter. Having thoroughly reviewed the filings in the docket and after making further inquiry of the parties, the Commission voted unanimously to grant staff's request to close the docket. It is therefore

ORDERED, that Staff's request to close the docket is hereby granted. It is further

ORDERED, that the docket is closed.

Dated at Pierre, South Dakota, this 12th day of October 2022.

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>Adam de Hueckle</u>
Date: <u>10/12/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner