

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

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

**ORDER GRANTING MOTION)
FOR DISBURSEMENT OF)
GRAIN BUYER BOND)**

GW21-003

On July 22, 2021, the South Dakota Public Utilities staff (Staff) opened this docket to seek and disburse bond proceeds from the grain buyer bond of Farmers Cooperative Elevator (FCE), Avon, SD, for the licensing year 2020-2021. This action was necessitated due to Docket GW21-002.

On July 23, 2021, notice was sent to customers of FCE notifying them of the bond and their right to file claims against it, as well as providing claim forms to each scale ticket holder. On July 29, 2021, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On August 4 and August 11, 2021, notice of the availability of the grain buyer bond was published in the Avon Clarion, the Wagner Post, and the Yankton Press & Dakotan. On September 13, 2021, Western Surety Company released the bond to Staff. Based on its review of the claim forms, Staff determined that one producer had a bond-eligible claim. On January 24, 2022, Staff filed a Motion for Disbursement of Grain Buyer Bond.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-45 and ARSD 20:10:12.

At its regular meeting on February 1, 2022, the Commission considered Staff's Motion for Disbursement of Grain Buyer Bond. The Commission voted unanimously to accept the recommendation of Staff and distribute the bond proceeds accordingly. The Commission found that JR's sale of 17,129.51 bushels of corn was not a voluntary credit sale and is bond eligible; that \$111,170.52 of bond proceeds shall be paid to JR; and the remainder of the \$250,000 bond shall be returned to the bonding company. It is therefore

ORDERED, that the Motion for Disbursement of Grain Buyer Bond is hereby granted. It is further

ORDERED, that the bond proceeds shall be distributed as detailed above.

Dated at Pierre, South Dakota, this 8th day of February 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 or by mail.
By: <u>Karen E. Bremer</u>
Date: <u>02/08/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner