

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

IN THE MATTER OF THE PUC STAFF'S)
COMPLAINT AGAINST FEARLESS)
GRAIN MARKETING, LLC AND)
JEREMEY FROST)
)

**ORDER APPROVING REQUEST TO
SEEK INJUNCTION; ORDER NO GRAIN
PURCHASES IN THE INTERIM**

GW21-001

On March 31, 2021, the South Dakota Public Utilities Commission staff (Staff) filed with the South Dakota Public Utilities Commission (Commission) a Complaint and Request for Injunction against Fearless Grain Marketing, LLC (Fearless) and Jeremey Frost (Frost). In the Complaint, Staff alleges Fearless and Frost are conducting business in a manner that constitutes operating as a grain buyer without a license in violation of SDCL 49-45-1. In addition to seeking penalties, Staff requests the Commission grant approval to seek an injunction in circuit court against Fearless and Frost for the purpose of enjoining Fearless and Frost from further purchases of grain in South Dakota without a grain buyer license.

On April 1, 2021, the Commission electronically transmitted notice of the filing and the answer deadline of April 20, 2021, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. The parties to this proceeding are Staff, Fearless, and Frost.

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

On April 7, 2021, at an Ad Hoc Meeting, the Commission considered this matter. After hearing oral presentations from the parties, the answers given to Commission questions, and having thoroughly reviewed the filings in the docket, the Commission, after public discussion, found good cause existed to seek an injunction in circuit court. The Commission voted unanimously to grant Staff's request to seek an injunction in circuit court to prevent Fearless and Frost from purchasing grain and also ordered that Fearless and Frost not purchase grain in the interim. It is therefore

ORDERED, that Staff's request to seek an injunction in circuit court is hereby granted. It is further

ORDERED, that Fearless Grain Marketing, LLC and Jeremey Frost not purchase grain in the interim.

Dated at Pierre, South Dakota, this 9th day of April 2021.

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>Adam de Hueck</u>
Date: <u>4/9/21</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Eegen
KRISTIE EEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner