BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE PUC STAFF'S COMPLAINT AGAINST FEARLESS GRAIN MARKETING, LLC AND JEREMEY FROST ORDER GRANTING JOINT MOTION FOR APPROVAL OF STIPULATION AND SETTLEMENT AGREEMENT; ORDER ADOPTING STIPULATION AND SETTLEMENT AGREEMENT

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 alleged Fearless and Frost were conducting business in a manner that constituted operating as a grain buyer without a license in violation of SDCL 49-45-1. In addition to seeking penalties, Staff requested 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. The parties to this proceeding are Staff, Fearless, and Frost.

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. On April 9, 2021 the Commission issued an Order Approving Request to Seek Injunction; Order No Grain Purchases in the Interim. On May 13, 2021, the parties filed a Joint Motion for Approval of Stipulation and Settlement Agreement. As a part of the Stipulation and Settlement Agreement, the parties stipulated to a penalty of \$20,000 for violations of SDCL 49-45-1 and SDCL 49-45-10.

The Commission has jurisdiction over this matter pursuant SDCL Chapters 1-26 and 49-45, specifically, SDCL 49-45-1 and 49-45-10.

At its regularly scheduled meeting of May 25, 2021, 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 the Joint Motion for Approval of the Stipulation and Settlement Agreement. It is therefore

ORDERED, that the Joint Motion for Approval of Stipulation and Settlement Agreement is hereby granted and the Stipulation and Settlement Agreement is hereby adopted and shall be incorporated by reference into this Order the same as if it had been set forth in its entirety herein. It is further

ORDERED, that Fearless shall pay a civil fine of \$20,000 within 30 days of receipt of this Order Granting Joint Motion for Approval of Stipulation and Settlement Agreement; Order Adopting Stipulation and Settlement Agreement.

Dated at Pierre, South Dakota, this <u>27th</u> day of May 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. By:
Date:05/27/21
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION: CHRI ON. Chairman

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GARY HANSON, Commissioner