

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

**IN THE MATTER OF THE PUC STAFF'S
COMPLAINT AGAINST WEST PLAINS,
LLC FOR VIOLATIONS OF SDCL 49-45-1**

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**AFFIDAVIT OF PAUL
KENEFICK-ASCHOFF**

GW21-006

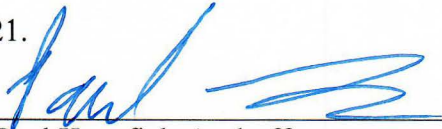
STATE OF SOUTH DAKOTA)
 :
COUNTY OF HUGHES)

I, Paul Kenefick-Aschoff, being first duly sworn, state as follows:

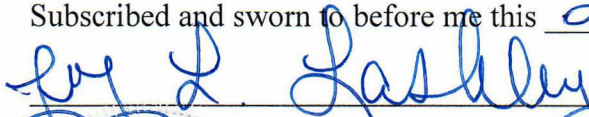
1. I am an Inspector and Administrator with the Grain Warehouse Program of the South Dakota Public Utilities Commission (Commission).
2. In the course of my job duties, March 16, 2021 an email was sent to all companies licensed by the commission, with notice of license renewal for the 2021-2022 licensing period. An Excel spread sheet was used to track license renewal for all companies licensed with the commission. Attachment 1.
3. I contacted West Plains, LLC to remind them to obtain a renewed license on the following dates: Follow up reminders were sent on May 6, 2021, June 21, 2021, and June 29, 2021 through email. Attachment 2.
4. I had contact with West Plains, LLC concerning license renewal on March 26, 2021, April 12, 2021, June 30, 2021, July 7, 2021, July 16, 2021, August 24, 2021, and August 26, 2021. Attachment 3.
5. On July 16, 2021, and August 24, 2021, I sent an email to West Plains, LLC to follow up and see where they were at on the licensing process. Attachment 4.
6. A completed application, licensing fee and original bond for a grain buyer license was received from West Plains, LLC on August 27, 2021.
7. A grain buyer license was issued to West Plains, LLC on August 27, 2021. Attachment 5
8. I conducted a remote inspection of West Plains, LLC starting on November 15, 2021.
9. During this remote inspection, I discovered that West Plains, LLC had 123 loads of grain delivered in South Dakota during the period of time in which West Plains, LLC did not have a valid grain buyer license. All 123 loads had full or partial settlements made prior

to August 27, 2021. Several of these loads were settled by placement on deferred payment contracts. Attachment 6 & 7.

Dated this 29th day of November 2021.


Paul Kenefick-Aschoff

Subscribed and sworn to before me this 29th day of November, 20 21.


Jay Lashley (Notary Public)

My Commission expires: 08.12.25

