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November 27, 2023

Ms. Patricia Van Gerpen
Executive Director, South Dakota Public Utilities Commission
500 E Capital Ave
Pierre, SD 57501
Via email only to: pucdocketfilings@state.sd.us

Re: Docket: GW22-002 in the matter of Roslyn Elevator

Dear Ms. Van Gerpen:

On behalf of Roslyn Elevator, I provide this update for the PUC's consideration as part of the hearing scheduled in this matter on December 6, 2023. As the PUC knows and as I stated in my letter to the PUC dated June 26, 2023 (filed June 27, 2023), Roslyn Elevator did not seek the renewal of either its grain buyer license or its warehouse license beyond the expiration date of each license on June 30, 2023.

In June 2023, when Roslyn Elevator made the difficult decision to permit its licensure with the PUC to lapse effective June 30, 2023, it was in the midst of its Fourth Forbearance Agreement with its first-position secured lender, US Bank. During the period of time allowed in the series of Forbearance Agreements with US Bank, Roslyn Elevator pursued reasonable efforts to sell its real estate and its operational assets to any interested parties, including those in the local community. Those private sale efforts were, regrettably, unsuccessful. Consequently, with the written consent of US Bank, Roslyn Elevator retained Steffes Group to sell its land and elevator improvements and substantially all its operational equipment and vehicles in an orderly auction format.

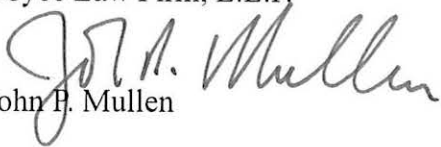
Steffes Group completed the auction process for the Elevator's personal property on July 12, 2023. Steffes Group completed the auction process for the Roslyn Elevator's land, bins, buildings, and other improvements used in operations on July 19, 2023. The real estate sale closed in mid-August 2023. The proceeds derived from these auction sales were applied consistently with Roslyn Elevator's written agreements with US Bank and with Ray and Brandon Lardy, who had sold grain on Voluntary Credit Sales.

Roslyn Elevator remains confident now, as it was back in its letter to the Commissioners on June 26, 2023, that there are no producers who sold grain on a cash basis to the Roslyn Elevator who remain unpaid at this time. Roslyn Elevator believes the PUC audits of its operations support this conclusion. Roslyn Elevator is not aware of any factual basis to support a claim on its grain license bond.

After many years of operating an important business in a very small South Dakota community, the Schmidts have done all they could do, under difficult circumstances, to retire and sell the Roslyn Elevator assets for the best results possible. Thank you.

Sincerely,

Boyce Law Firm, L.L.P.


John P. Mullen

C: Roslyn Elevator