

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

IN THE MATTER OF THE)	SETTLEMENT AGREEMENT
SETTLEMENT AGREEMENT WITH)	AND REQUEST FOR
ATLANTIC GRAIN & TRADE, LLC)	ADOPTION OF SETTLEMENT
)	AGREEMENT
)	
)	GW22-003

This Settlement Agreement reflects the resolution reached between the Staff of the Public Utilities Commission (Commission) and Atlantic Grain & Trade, LLC (Respondent).

I. BACKGROUND

On or about December 13, 2021, Staff became aware that Respondent was purchasing grain without a license. Prior to obtaining a license, Respondent purchased approximately 69 train car loads of grain from South Dakota sellers.

Immediately upon being informed of the license requirement, Respondent ceased purchasing grain in South Dakota and commenced the licensing process. Respondent has since obtained a grain buyer license.

The penalty for operating as a grain buyer without a license is described in SDCL 49-45-1, which provides for a fine of \$1,000 for each purchase of grain up to a maximum fine of \$20,000. If, after a hearing, the Commission believed Respondent had made twenty or more purchases during the time it was not licensed, Respondent could be subject to a \$20,000 fine.

Now, having come to an agreement that both Parties believe to be reasonable, Staff and Respondent stipulate as follows:

1. Respondent is currently licensed to act as a grain buyer in the State of South Dakota.
2. Respondent worked quickly to understand and comply with South Dakota law.
3. Respondent did not buy directly from South Dakota producers.

4. Both Staff and Respondent acknowledge that Respondent is subject to penalties for operating as a grain buyer without a license. Staff and Respondent both believe a civil penalty in the amount of \$10,000 for failure to obtain a grain buyer license should be paid by Respondent for the violations. The grounds for the settlement take into account:
 - a. The large number of loads purchased by Respondent without a license;
 - b. Respondent's cooperation in ultimately obtaining a license.
5. Respondent agrees that it will make payment of the \$10,000 civil fine within thirty days of receipt of the Commission Order.
6. Staff agrees this Stipulation and Settlement Agreement if approved by the Commission, represents the final disposition of the issues specified herein and will not pursue additional fines or penalties for the infractions outlined in this Agreement.

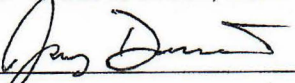
Dated this 8th day of March 2022.

South Dakota Public Utilities Commission Staff

By: 

Its: Executive Director

Atlantic Grain & Trade, LLC

By: 

Its: Jay Dorrier / President / Atlantic Grain + Trade, LLC