

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

IN THE MATTER OF THE PUC STAFF'S COMPLAINT AGAINST CROSSROADS COOPERATIVE)))))))	SETTLEMENT AGREEMENT AND REQUEST FOR ADOPTION OF SETTLEMENT AGREEMENT GW22-004
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This Settlement Agreement reflects the resolution reached between the Staff of the Public Utilities Commission (Commission) and Crossroads Cooperative, Sidney, NE (Crossroads or Respondent).

I. BACKGROUND

Respondent was not a licensed grain buyer in South Dakota between July of 2020 and the date of this filing. During that time, Respondent made approximately 700 purchases of grain. Respondent has since obtained a grain buyer license on March 23, 2022. Respondent also failed to provide requested information to Staff within five working days, with a request sent January 18, 2022, and the information not completely provided until February 23, 2022.

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.

The penalty for failure to provide requested information to Staff within five working days in accordance with statutory requirements is described in SDCL 49-45-26, which provides for a fine of \$1,000 for each day requested materials are withheld up to a maximum of twenty thousand dollars.

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. Both Staff and Respondent acknowledge that Respondent is subject to penalties up to \$20,000 for operating as a grain buyer without a license. Additionally, both Staff and Respondent acknowledge that Respondent is subject to penalties up to \$20,000 for failure to provide requested information to Staff within five days. Staff and Respondent both believe a civil penalty in the amount of \$28,000 for failure to obtain a grain buyer license and failure to timely provide requested information 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. The time it took for Respondent to ultimately provide requested information; and
 - c. Respondent ultimately obtaining a license.
3. Respondent agrees that it will make payment of the \$28,000 civil fine within thirty days of receipt of the Commission Order.
4. 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 1st day of April 2022.


South Dakota Public Utilities Commission Staff

By: Patricia Van Gorp

Name: Patricia Van Gorp

Its: Executive Director

Crossroads Cooperative, Sidney, Nebraska

By: 

Name: Michael L. Rowan

Its: President / CEO