

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

**IN THE MATTER OF THE PUC STAFF'S)
COMPLAINT AGAINST ORGANIC)
PRODUCERS OF IOWA, NEBRASKA,)
AND SOUTH DAKOTA (OPINS), NORTH)
BEND, NEBRASKA)**

**ORDER ADOPTING SETTLEMENT
STIPULATION AND AGREEMENT AND
ASSESSING PENALTY**

GW22-005

On June 17, 2022, the South Dakota Public Utilities Commission (Commission) received a Complaint against Organic Producers of Iowa, Nebraska, and South Dakota (OPINS) filed by the Commission staff (Staff). The Complaint alleges OPINS made purchases of grain for resale without a valid grain buyer license. Staff requested the Commission assess a penalty against OPINS for violations of SDCL 49-45-1. Staff also requested the Commission refer this matter to the applicable State's Attorney and/or the Attorney General for prosecution in accordance with SDCL 49-45-9.

On June 23, 2022, the Commission electronically transmitted notice of the filing and the answer deadline of July 7, 2022. On July 7, 2022, Staff filed a letter and OPINS' response to Staff's inquiry about the docket. On October 20, 2022, Staff filed a letter requesting the Commission issue a scheduling order setting a hearing date and establishing a procedural schedule in this matter. On October 28, 2022, the Commission issued an Order Adopting Procedural Schedule. On November 21, 2022, Staff filed a letter regarding an agreement addressing the Complaint and requesting suspension of the procedural schedule as Staff and OPINS had reached a settlement. On December 5, 2022, Staff and OPINS filed a Settlement Stipulation and Agreement and a Joint Motion to Approve the Settlement Stipulation and Agreement.

The Commission has jurisdiction over this matter pursuant SDCL Chapters 1-26 and 49-45, specifically, SDCL 49-45-1 and 49-45-9.

At its regularly scheduled meeting of December 6, 2022, 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 adopt the Settlement Stipulation and Agreement and assess a \$5,000 civil penalty against OPINS for violations of SDCL 49-45-1. It is therefore

ORDERED, that the Settlement Stipulation and 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 OPINS shall pay a civil fine of \$5,000 within 30 days of receipt of this Order Adopting Settlement Stipulation and Agreement and Assessing Penalty.

Dated at Pierre, South Dakota, this 7th day of December 2022.

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 or by mail.
By: <u>Karen E. Bremer</u>
Date: <u>12/07/22</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner