

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

|                                  |   |                               |
|----------------------------------|---|-------------------------------|
| <b>IN THE MATTER OF THE</b>      | ) | <b>SETTLEMENT AGREEMENT</b>   |
| <b>SETTLEMENT AGREEMENT WITH</b> | ) | <b>AND REQUEST FOR</b>        |
| <b>SOUTH DAKOTA HUTTERIAN</b>    | ) | <b>ADOPTION OF SETTLEMENT</b> |
| <b>CO-OPERATIVE OF ABERDEEN,</b> | ) | <b>AGREEMENT</b>              |
| <b>SOUTH DAKOTA</b>              | ) |                               |
|                                  | ) | <b>GW22-006</b>               |

This Settlement Agreement reflects the resolution reached between the Staff of the Public Utilities Commission (Commission) and South Dakota Hutterian Co-operative of Aberdeen, South Dakota (Respondent).

**I. BACKGROUND**

On or before June 21, 2022, Staff became aware that Respondent was purchasing grain without a license. Prior to obtaining a license, Respondent had purchased grain from Hutterite Colonies for years.

After the Complaint was filed, Respondent commenced the licensing process. Respondent has since obtained a grain buyer license.

Prior to July 1, 2022, the penalty for operating as a grain buyer without a license was described in SDCL 49-45-1, which provided for a fine of \$1,000 for each purchase of grain up to a onetime maximum fine of \$20,000. Beginning on July 1, 2022, the fine increased to \$5,000 for each purchase with a maximum fine of \$50,000 per licensing year. If, after a hearing, the Commission believed Respondent had made ten or more purchases during the time it was not licensed in July 2022, Respondent could be subject to a \$50,000 fine and a \$20,000 fine for purchases prior to July 1, 2022.


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 after the Complaint was filed.

3. 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 \$25,000 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.
4. Respondent agrees that it will make payment of the \$25,000 civil fine within thirty days of receipt of the Commission Order.
5. 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 September, 2022.

**South Dakota Public Utilities Commission Staff**

By:   
Its: Staff Attorney

Dated this 1st day of September, 2022.

SIEGEL, BARNETT & SCHUTZ, L.L.P.



Julie Dvorak  
Attorneys for South Dakota Hutterian Co-operative  
of Aberdeen, South Dakota  
415 S. Main Street, Suite 400  
PO Box 490  
Aberdeen, SD 57402-0490  
Telephone No. (605) 225-5420  
Facsimile No. (605) 226-1911  
[jdvorak@sbslaw.net](mailto:jdvorak@sbslaw.net)