



April 26, 2023

Public Utilities Commission  
500 E. Capitol Ave.  
Pierre, SD 57501-5070

RE: Docket GW23-001

Dear Commissioners Fiegen, Hanson, and Nelson:

On behalf of the South Dakota Agri-Business Association (SDABA), I am writing to express our concerns regarding Docket GW23-001 with Banghart Properties LLC. We concur with Public Utilities Commission (PUC) staff that this company's application for Class A Grain Buyers license should be denied.

SDABA members work closely with the PUC Warehouse Division to be licensed and bonded each year as required by law. In fact, SDABA has supported PUC in several pieces of legislation that have strengthened regulatory compliance for our members and at times, at an additional expense to them.

There are approximately 374 Grain Warehouse and Grain Buyers in South Dakota licensed by the PUC, of which only one – Banghart Properties LLC or Fearless Grain Marketing – has been in front of the Commission for violations in 2021 and 2023. This company continues to disregard the laws of multiple states as they pertain to licensing and financial requirements. It is disturbing that a company that has been fined once for breaking the law and continues to break the law can still be in the business of marketing grain.

It is in the best interest of the State of South Dakota, and those who operate legally, that the PUC sends a message that companies that do not follow the law are not allowed to buy and sell grain in South Dakota.

As you know, it takes just one failure to create uncertainty in the grain business which impacts all licensed and bonded grain buyers in South Dakota.

Thank you for the opportunity to submit comments.

Sincerely,

Kathy Zander  
Executive Director



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