

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

IN THE MATTER OF PUC STAFF'S)
COMPLAINT AGAINST BANGHART)
PROPERTIES, LLC, GETTYSBURG, SOUTH)
DAKOTA)
)

ORDER GRANTING MOTION TO
ALLOW TELEPHONIC OR VIDEO
TESTIMONY

GW23-001

On January 30, 2023, the South Dakota Public Utilities Commission (Commission) received a Complaint against Banghart Properties, LLC, Gettysburg, South Dakota (Banghart), filed by the Commissioner staff (Staff). The Complaint alleges Banghart operated as a grain buyer without a license in both license years, 2022 and 2023, among other allegations. Notice of the Complaint was sent to Banghart on January 30, 2023.

On February 2, 2023, the Commission electronically transmitted notice of the filing and the answer deadline of February 20, 2023, to interested entities and persons on the Commission's PUC Weekly Filings electronic listserv. On February 7, 2023, Staff filed a Supplemental Affidavit of Cody Chambliss. On February 17, 2023, Banghart filed an Answer to the Complaint. On March 20, 2023, Banghart filed a Motion to Allow Delivery on Open Contracts and an Affidavit of Jan Banghart in Support of Motion to Allow Delivery of Open Contracts. On March 30, 2023, the Commission issued an Order Denying Motion to Allow Delivery on Open Contracts. On April 4, 2023, Banghart filed a Motion for Expedited Order Granting Class A Grain Buyer License (Motion). On April 5, 2023, Staff filed a confidential letter of denial and Banghart's Confidential Grain Buyer/Grain Warehouse Application. On April 17, 2023, the Commission issued an Order for and Notice of Evidentiary Hearing on Less than 10 Days' Notice. On April 24, 2023, Banghart filed a Motion to Allow Telephonic or Video Testimony. On April 25, 2023, the Commission issued an Order for and Notice of Motion Hearing on Less than 10 Days' Notice. A hearing will be held beginning at 1:00 p.m., CDT on April 27, 2023, in Room 413 of the Capitol Building, 500 E. Capitol Ave., Pierre, South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 15-6, 49-45 and ARSD Chapter 20:10:01. The Commission may rely upon any or all of these or other laws of this state in making its determination.

At its regularly scheduled meeting of April 27, 2023, the Commission considered this matter. After discussion and hearing no objection from Staff, the Commission voted unanimously to grant Banghart's Motion to Allow Telephonic or Video Testimony. It is therefore

ORDERED, that the Motion to Allow Telephonic or Video Testimony is hereby granted.

Dated at Pierre, South Dakota, this 28th day of April 2023.

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: Karen E. Cremer

Date: 04/28/23

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chi Nelson
CHRIS NELSON, Commissioner