

**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 FOR AND NOTICE OF MOTION  
HEARING ON LESS THAN 10 DAYS'  
NOTICE**

**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. 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 (Motion).

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-45, specifically, SDCL 49-45-1, 49-45-7.1, 49-45-10, and 49-1-9.1. The Commission may rely upon any or all of these or other laws of this state in making its determination.

Pursuant to ARSD 20:10:01:22.02, the Commission may order a hearing on less than ten days' notice if the Commission determines good cause exists therefor. The Commission finds that because the evidentiary hearing in which the witness would testify is scheduled for April 27, 2023, which is in less than ten days, there is good cause to hear the Motion on less than ten days' notice. It is therefore

ORDERED, that the Motion will be held in conjunction with the Commission's regularly scheduled April 27, 2023, Commission Meeting.

Dated at Pierre, South Dakota, this 25<sup>th</sup> day of April 2023.

<b>CERTIFICATE OF SERVICE</b>
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><i>Kristie Fiegen</i></u>
Date: <u>25 April 2023</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Kristie Fiegen*  
KRISTIE FIEGEN, Chairperson

*Gary Hanson*  
GARY HANSON, Commissioner

*Chris Nelson*  
CHRIS NELSON, Commissioner