

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

IN THE MATTER OF THE PUC STAFF'S) COMPLAINT AGAINST BANGHART) PROPERTIES, LLC, GETTYSBURG,) SOUTH DAKOTA)	MOTION TO REOPEN THE RECORD TO ALLOW ADDITIONAL TESTIMONY GW23-001
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COMES NOW, Staff (“Staff”) of the South Dakota Public Utilities Commission (“Commission”) and hereby files this Motion to Reopen the Record and Allow Additional Testimony.

On April 27, 2023, the Commission held an evidentiary hearing in this matter and, at the conclusion of the evidentiary hearing, closed the record. Staff sent Banghart a Letter on January 12, 2023, demanding Banghart cease and desist operation as a grain buyer in South Dakota. Testimony at that hearing indicated that Banghart has no facilities to warehouse grain and that Banghart generally complied with Staff’s requests.


ARSD 20:10:01:27.01 provides that “[a]ny time after any matter is taken under advisement and before a decision of the commission is entered, the commission may, on its own motion or for good cause shown by a party to the proceeding, order that the record be reopened and the matter set for further hearing.”

On May 4, 2023, Commission Staff conducted a regular inspection of another licensed grain buyer and discovered grain deliveries by Banghart that occurred in April of 2023, with payment issued to Banghart. See Attachments. This newly discovered information was not available to Staff before May 4, 2023, because it was not provided to Staff by Banghart, and Staff only found this information coincidentally on a regular inspection of another entity.

There is good cause for the Commission to reopen the record and allow admission of this newly discovered information is extremely relevant and pertinent to the Commission’s determination of whether there is good cause to deny a Class A grain buyer license to Banghart and this information only became known to Staff after the conclusion of the evidentiary record.

WHEREFORE, Staff respectfully requests the Commission schedule an expedited hearing on this Motion for Tuesday, May 9, 2023, so this matter can be heard before the Commission issues a final decision regarding Banghart’s Application for a Class A license. Or, in the alternative, the Commission postpone its decision on Banghart’s Class A license application and schedule a hearing on this motion.

Dated this 8th day of May 2023.



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