

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

IN THE MATTER OF THE GRAIN DEALER'S)	ORDER FOR AND NOTICE
AND PUBLIC WAREHOUSE LICENSES OF)	OF HEARING
FREEMAN FERTILIZER CO., INC. DBA)	GD01-001
MCCOOK FEED & FERTILIZER)	(Civ. 01-023)

On February 13, 2001, Jeff Mulder, on behalf of Freeman Fertilizer Co. Inc. d/b/a McCook Feed & Fertilizer (McCook), entered into a stipulation with the Public Utilities Commission (Commission) surrendering his licenses as a grain dealer and grain warehouseman and permitted the Commission to take immediate possession of his facilities. On March 8, 2001, the Commission filed with the First Judicial Circuit a Petition to Appoint South Dakota Public Utilities Commission as a receiver. On March 27, 2001, the Commission was appointed receiver by the Honorable Judge Boyd L. McMurchie of the First Judicial Circuit of South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 21-21, 49-42, 49-43, and 49-45, specifically 49-42-15.1, 49-43-5.6, 49-43-5.8, 49-45-13, 49-45-16, and 49-45-18. Pursuant to the order of the Court, the Commission shall determine claims against the cash proceeds of the grain dealer's bonds and the grain warehouseman's bonds, one bond numbered S16 7010, commencing July 1, 2000, and ending June 30, 2001, and a second bond commencing July 1, 1999, and ending June 30, 2000, with Employers Mutual Casualty Company, being the surety, and all grain inventory currently located at the Canistota facility. A hearing shall be held on the claims as described above on May 3, 2001, beginning at 10:00 a.m., at the American Legion Hall, Jenard D. Post, 162 Main Street, Canistota, South Dakota.

The issue at the hearing will be to determine claims against the cash proceeds of the grain dealer's bonds and the grain warehouseman's bonds, one bond numbered S16 7010, commencing July 1, 2000, and ending June 30, 2001, and a second bond commencing July 1, 1999, and ending June 30, 2000, with Employers Mutual Casualty Company, being the surety, and all grain inventory currently located at the Canistota facility.

All potential claimants have the right to be present, to be represented by an attorney, and to present evidence of their claims. Evidence may include, but is not limited to, such documents as scale tickets, settlement sheets, bad checks, or other evidence of a sale or storage of grain to McCook which has not been paid or the grain not returned. These and other due process rights will be forfeited if they are not exercised at the hearing or by submitting a proof of claim with the Commission. After the hearing, the Commission, as receiver, will consider all evidence and testimony that was presented at the hearing. As a result of the hearing, the Commission shall determine claims against the cash proceeds of the grain dealer's bonds and the grain warehouseman's bonds and all grain inventory currently located at the Canistota facility. The Commission will then enter

proposed Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter which will be submitted to the First Circuit of the State of South Dakota. The Final Decision made by the Circuit Court may be appealed to the state Supreme Court as provided by law.

It is therefore

ORDERED, that the hearing shall be held on May 3, 2001, beginning at 10:00 a.m., at the American Legion Hall, Jenard D. Post, 162 Main Street, Canistota, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 29th day of March, 2001.

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, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Delaine Kalbo</u>
Date:	<u>3/29/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner