

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

IN THE MATTER OF LW SALES/LW SEED'S)	ORDER GRANTING
FAILURE TO OBTAIN NECESSARY)	RESPONDENT'S MOTION
LICENSURE PRIOR TO OPERATION AS A)	FOR RECONSIDERATION
GRAIN DEALER IN THE STATE OF SOUTH)	
DAKOTA)	GD07-001

On March 1, 2007, Commission Staff (Staff) filed a Motion for Order to Show Cause (Motion) against LW Sales/LW Seeds (LW) alleging that LW was acting as a grain dealer without a license as is required by SDCL 49-45-1. At its March 13, 2007, regular meeting, the Commission voted unanimously to issue an Order to Show Cause against LW.

On April 30, 2007, the Commission issued an Order Setting Procedural Schedule. On July 9, 2007, the Commission received a Motion for Amendment of Scheduling Order and Brief in Support of Motion for Amendment of Scheduling Order from Commission Staff.

At its regularly scheduled meeting of July 11, 2007, the Commission considered the Motion for Amendment of Scheduling Order. The Commission unanimously voted to grant the Motion for Amendment of Scheduling Order. On July 26, 2007, the Commission issued an Order Granting Motion for Amendment of Scheduling Order and a Second Order Setting Procedural Schedule.

On July 27, 2007, the Commission received a Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment from Commission Staff. On August 13, 2007, the Commission received LW Sales Brief in Resistance to Commission Staff's Motion for Summary Judgment. On August 24, 2007, the Commission received a Reply Brief in Support of Motion for Summary Judgment from Commission Staff.

At its regularly scheduled meeting of August 28, 2007, the Commission considered the Motion for Summary Judgment. Commission Staff recommended approval. The Commission unanimously voted to grant the Motion for Summary Judgment. In addition, the Commission unanimously voted to fine LW \$400.00 and ordered it to stop selling grain, including sales into the mushroom industry, without a grain dealer's license.

On September 12, 2007, the Commission received Respondent's Motion for Reconsideration/Motion to Set Aside and Staff's Letter Response to Respondent's Motion for Reconsideration. On September 25, 2007, the Commission received a Brief in Response to Letter of September 12, 2007, from LW.

At its regularly scheduled meeting of September 25, 2007, the Commission considered Respondent's Motion for Reconsideration. The Commission unanimously voted to grant Respondent's Motion for Reconsideration.

The Commission has jurisdiction in this matter pursuant to SDCL 49-45-1 through 49-45-9 and ARSD 20:10:12. It is therefore

ORDERED, that Respondent's Motion for Reconsideration is hereby granted.

Dated at Pierre, South Dakota, this 26th day of September, 2007.

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.
By: <u>Alaine Kalbo</u>
Date: <u>9/27/07</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Austin M. Johnson
DUSTIN M. JOHNSON, Chairman *dk*

Gary Hanson
GARY HANSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner