

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

IN THE MATTER OF THE REQUEST OF)	ORDER CANCELLING
GLACIAL LAKES CORN PROCESSORS FOR)	ORDER GRANTING WAIVER
APPROVAL OF A WAIVER OF ARSD)	AND ISSUING LICENSE
20:10:12:15)	SUBJECT TO CONDITIONS
)	
)	
)	GD09-001

After completing a financial review of Glacial Lakes Corn Processors (GLCP), the grain and warehouse staff (Staff) of the South Dakota Public Utilities Commission (Commission) determined that its financial statements for the year ending August 31, 2008, did not meet the criteria for licensing as a grain buyer under ARSD 20:10:12:15. On February 25, 2009, a letter was sent to GLCP notifying GLCP that additional information showing that it was in compliance with financial requirements would be required before a license could be issued. On March 24, 2009, a response was received explaining why the financial statements were out of compliance along with a request to meet and give it an opportunity to present additional information. On June 3, 2009, a meeting was held between Staff and GLCP officers. At this meeting, pursuant to ARSD 20:10:12:17, GLCP officers presented a letter requesting a waiver of the financial criteria set out in ARSD 20:10:12:15.

On June 4, 2009, the Commission electronically transmitted notice of the filing and the intervention deadline of June 19, 2009, to interested individuals and entities. No petitions to intervene were filed. The Commission has jurisdiction in this matter pursuant to SDCL Chapter 49-45 and ARSD 20:10:12.

At its regularly scheduled meeting of June 23, 2009, the Commission considered this matter. Chairman Johnson moved to grant a waiver of ARSD 20:10:12:15 and issue a grain buyer's license to GLCP subject to conditions. On December 22, 2009, Staff received a letter from GLCP with GLCP's most recent financial statements requesting that GLCP be relieved from the conditions imposed by the Commission's Order Granting Waiver issued on June 29, 2009.

At its regularly scheduled meeting of January 5, 2010, the Commission considered issuing a class-A grain buyer's license without previously ordered conditions. Staff stated that GLCP is now in compliance with all statutes and administrative rules and is now eligible for a class-A grain buyer's license without the previously ordered conditions. Finding that GLCP is currently in compliance with ARSD 20:10:12:15 and the other applicable statutes and rules, the Commission voted unanimously to grant the request for relief from the conditions imposed by the Order Granting Waiver and cancel such order and to allow GLCP to be issued a class-A grain buyer's license under the Commission's normal process.

It is therefore

ORDERED that the Order Granting Waiver and Issuing License Subject to Conditions issued on June 29, 2009, is hereby cancelled and that GLCP may be issued a license without the previously ordered conditions in accordance with applicable statutes and rules and the Commission's standard licensing procedures.

Dated at Pierre, South Dakota, this 13th day of January, 2010.

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>Demaris Athelm</u>
Date: <u>1-13-10</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman

Steve Kolbeck
STEVE KOLBECK, Commissioner

Gary Hanson
GARY HANSON, Commissioner