

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

**IN THE MATTER OF ANDERSON SEED) ORDER SUSPENDING LICENSE
CO. INC.'S GRAIN BUYER'S LICENSE)
)
)** **GW12-001**

On February 16, 2012, the staff of the Grain and Warehouse Division (Staff) of the Public Utilities Commission (Commission) filed a Petition requesting the Commission to immediately suspend Anderson Seed Co., Inc.'s (Anderson) grain buyer license pursuant to SDCL 49-45-16. Staff alleged that Anderson was delinquent in making payments on scale tickets issued by Anderson to numerous grain producers in this state, with the amount of such arrearages believed by Staff to total as much as \$2.6 Million and that Anderson's latest balance sheet showed Anderson to be in a serious negative equity and working capital position indicating that such delinquencies constituted acts of insolvency.

On February 16, 2012, the Commission served notice on Anderson and gave more than 24 hours public notice of an ad hoc Commission meeting to be held on February 17, 2012, to consider Staff's Petition. On February 17, 2012, Anderson notified Staff by email that it did not intend to contest the suspension and would not appear at the meeting on the issue.

The Commission considered Staff's Petition at its ad hoc meeting on February 17, 2012. Finding that Anderson had failed to pay for or make redelivery of grain under numerous outstanding producer scale tickets, the Commission voted unanimously to suspend Anderson's license pursuant to SDCL 49-45-16 and to initiate an audit of Anderson and give notice to the surety on Anderson's grain buyer bond pursuant to SDCL 49-45-18. It is therefore

ORDERED, that Anderson's grain buyer license is hereby suspended pursuant to SDCL 49-45-16; and it is further

ORDERED, that Staff shall immediately initiate an audit of Anderson and give notice to the surety on Anderson's grain buyer bond pursuant to SDCL 49-45-18.

Dated at Pierre, South Dakota, this 17 day of February, 2012.

<p>CERTIFICATE OF SERVICE</p> <p>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.</p> <p>By: <u>[Signature]</u></p> <p>Date: <u>2-17-12</u></p> <p align="center">(OFFICIAL SEAL)</p>
--

BY ORDER OF THE COMMISSION:

[Signature]
CHRIS NELSON, Chairman

[Signature]
KRISTIE FIEGEN, Commissioner

[Signature]
GARY HANSON, Commissioner