

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

**IN THE MATTER OF THE GRAIN BUYER)
LICENSE OF H & I GRAIN OF HETLAND,)
INC.)**

**ORDER
GW17-002**

The South Dakota Public Utilities Commission (Commission) revoked H & I Grain of Hetland, Inc.'s (H & I Grain) grain buyer's license on July 24, 2017, in Docket No. GW17-001. Upon the revocation, Commission staff (staff) sent claim forms to all persons that staff determined to have sold grain to Buyer. Included with each claim form was a description of staff's finding of what was owed to each seller. Upon the expiration of the statutory time for submitting claims to the Commission, staff drafted a recommendation for distribution of the \$400,000 grain bond, along with a memorandum supporting staff's recommendation. Staff filed its recommendation on March 8, 2018. On April 12, 2018, the Commission issued an Order for Distribution of Bond Proceeds. On April 13, 2018, the Commission received from several sellers a Petition to Appoint South Dakota Public Utilities Commission as Receiver. The matter was taken up at the April 20, May 1, and July 26, 2018, Commission meetings. On August 9, 2018, the Commission filed a Petition to Appoint South Dakota Public Utilities Commission as Receiver in Kingsbury Circuit Court under docket CIV18-56. A court hearing was held on September 19, 2018, and on September 28, 2018, finding that the Petition seeking appointment as receiver was impermissible under South Dakota law, the Circuit Court dismissed the matter with prejudice. On October 10, 2018, the Commission received from several sellers a Second Petition to appoint South Dakota Public Utilities Commission as Receiver.

The Commission has jurisdiction over this matter pursuant to SDCL 49-45-16.1.

At its regular meeting on November 17, 2018, the Commission considered the second petition to take receivership. The Commission voted unanimously to apply to the circuit court for that court to appoint an independent receiver.

It is therefore

ORDERED, that the Commission shall apply to the circuit court for that court to appoint an independent receiver.

Dated at Pierre, South Dakota, this 21st day of November 2018.

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 or by mail.
By: <u>Karen E. Cremer</u>
Date: <u>11/21/18</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson
Gary Hanson
GARY HANSON, Commissioner
Chris Nelson
CHRIS NELSON, Commissioner