

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

**IN THE MATTER OF THE PETITION OF RC) ORDER CANCELLING HEARING
TECHNOLOGIES FOR RESOLUTION OF)
DISPUTED RAILROAD CROSSING APPLICATION) TC18-059**

On November 2, 2018, the South Dakota Public Utilities Commission (Commission) received a Petition from RC Technologies Inc. requesting resolution of a disputed railroad crossing application pursuant to SDCL Ch. 49-16A. The crossing in dispute involves Sunflour Railroad, Inc. (Sunflour). According to the Petition, RC Technologies Inc. alleges to have sent a crossing application to Sunflour on October 29, 2018, and, asserting that the crossing application is now in dispute, seeks Commission resolution of the crossing application. SDCL § 49-16A-100.7 provides that within 60 days after the filing of a petition, the Commission must issue an order.

On November 8, 2018, the Commission electronically transmitted notice of the filing to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On November 28, 2018, Sunflour filed its Answer, and on November 29, 2018, Sunflour filed its Exhibit 1. Also on November 29, 2018, the Commission issued an Order Assessing Costs.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-16A. The Commission may rely upon any or all of these or other laws of this state in making its determination.

By order dated November 30, 2018, the hearing in this matter was scheduled for December 11, 2018. The Commission has been informed that the parties have reached a settlement in this matter so the hearing should be cancelled. It is therefore

ORDERED, that the hearing in the above captioned matter is hereby cancelled.

Dated at Pierre, South Dakota, this 10th day of December 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>12/10/18</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiogen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner