

**South Dakota Public Utilities Commission  
Grain Buyer/Grain Warehouse Application**

500 E Capitol Ave Pierre, SD 57501-5070  
(605) 773-3201 www.puc.sd.gov/warehouse

**Entire application must be complete, the SD PUC will return all incomplete applications.  
The Legal Name of Company and DBA, if applicable, must appear the same on the application and bond.  
Enclose an appropriately sized self-addressed, stamped return envelope for license forms.  
Applications for renewal are due by June 1 to ensure licensing for new year starting July 1.**

**1) Applicant is applying for the following type and class of license: (mark all that apply)**

- Class A Grain Buyer:** any person who purchases grain for the purpose of reselling the unprocessed grain or who purchases \$300,000 worth or more of grain directly from producers in a calendar year. Applicant may exceed \$5,000,000 in annual grain purchases and may utilize voluntary credit sale contracts.
- Class B Grain Buyer:** any person who purchases grain for the purpose of reselling the unprocessed grain or who purchases \$300,000 worth or more of grain directly from producers in a calendar year. Applicant may NOT exceed \$5,000,000 in annual grain purchases and may NOT utilize voluntary credit sale contracts.
- Grain Warehouse:** any public warehouse where grain, as defined in SDCL 49-45-1.1(2), is received for storage for hire in this state that is not licensed with the USDA Federal Warehouse Program.
- USDA Federal Warehouse:** applicant is licensed as federal warehouse with the USDA and is not required to license as a warehouse through the State of South Dakota.

**2) Legal Name of Company:** \_\_\_\_\_

DBA: \_\_\_\_\_

**3) Headquarters Contact Information**

General Manager/CEO: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Website: \_\_\_\_\_

1st E-mail: \_\_\_\_\_ 2nd E-mail: \_\_\_\_\_

**4) Ownership/Leadership (mark all that apply)**

Corporation  Company  Partnership  Sole Proprietorship  Other \_\_\_\_\_

**President/Chairman/Owner** \_\_\_\_\_

Address: \_\_\_\_\_ City, State, ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Secretary:** \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address \_\_\_\_\_ City, State, ZIP \_\_\_\_\_

**Treasurer:** \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address \_\_\_\_\_ City, State, ZIP \_\_\_\_\_

**If applicant is a partnership, please give names and addresses of partners:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_ City, State and ZIP: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_ City, State and ZIP: \_\_\_\_\_

Attach additional sheet if necessary to list other partners.

**Yes**  **No** Has there been a change in ownership, including merger or lease since last application?  
If yes, who previously operated this business? \_\_\_\_\_

**5) Grain Buyer Bond Formula:**

Amount of the bond for a grain buyer license shall be based on a rolling average of the dollar amount of grain purchased by the applicant in South Dakota during the last 3 fiscal years. For a new grain buyer, the first years' bond shall be based on the projected purchases. For a grain buyer with less than 3 years' experience as a grain buyer, the bond shall be based on the average actual purchases made by the grain buyer in all its previous years as a grain buyer. The bond applies to all grain purchases for all the grain buyers' business locations.

Grain dollars purchased in South Dakota for previous 3 fiscal years (FY):

FY \_\_\_ \$ \_\_\_\_\_ FY \_\_\_ \$ \_\_\_\_\_ FY FY \_\_\_ \$ \_\_\_\_\_

Total purchases for the last 3 fiscal years or less if applicable = \$ \_\_\_\_\_

Divided by 3 or the number of years in business = \$ \_\_\_\_\_  
(annual average purchases or projected purchases)

Apply the average annual purchases or projected annual purchases from South Dakota to the table below to determine the grain buyer bond amount required for licensing.

Less than \$2,000,001 = \$50,000	\$30,000,001 - \$40,000,000 = \$300,000
\$2,000,001 - \$5,000,000 = \$100,000	\$40,000,001 - \$55,000,000 = \$350,000
\$5,000,001 - \$10,000,000 = \$150,000	\$55,000,001 - \$70,000,000 = \$400,000
\$10,000,001 - \$20,000,000 = \$200,000	\$70,000,001 - \$85,000,000 = \$450,000
\$20,000,001 - \$30,000,000 = \$250,000	\$85,000,001 - \$100,000,000 = \$500,000

\* Bonding requirements are increased \$25,000 for each additional \$10,000,000 in purchases above \$100,000,000. When calculating, round up to an even \$25,000 amount.

**Grain Buyer Bond Amount Required for Licensing** \$ \_\_\_\_\_

**6) Grain Warehouse Bond Formula:**

To determine the minimum warehouse bond required for licensing as a warehouse with the State of South Dakota please complete the following calculations.

Number of facilities to be licensed = (A) \_\_\_\_\_ X \$25,000 (B) \$ \_\_\_\_\_

Current market value of warehoused grain (including open storage grain, grain bank, warehouse receipted grain)

for all facilities combined) is: (C) \$ \_\_\_\_\_ X 50% = (D) \$ \_\_\_\_\_

The larger of B and D is the minimum warehouse bond required for licensing:

**Minimum Warehouse Bond Amount Required for Licensing:** \$ \_\_\_\_\_

**7) Schedule of Rates Form for State Licensed Grain Warehouses**

Each warehouse applicant will need to complete a schedule of rates form. A separate form will need to be completed for each municipality or location (as listed on page 3 #11).

\_\_\_\_ A completed schedule of rates, Form 7 (a), has been included with this application for each location.

**8) Fiscal Year-end Financial Statement**

Each applicant shall submit financial statements for the most recently completed year of operation. The statements shall be prepared by a certified public accountant, independent public accountant, a grain commission, or management firm, or other individual skilled in the preparation of financial statements in accordance with generally accepted accounting principles or international financial reporting standards.

\_\_\_\_ A copy of the fiscal year-end financial statement is included with this application.

\_\_\_\_ A copy of the fiscal year-end financial statement has been or will be provided separate from this application.

The fiscal year-end financial statement was prepared at the following accounting level.

\_\_\_\_ Reviewed \_\_\_\_ Audited \_\_\_\_ Compiled (at minimum, a Class A license must be audited or reviewed)

**9) Financial Condition at Date of Application:**

Financial information depicting the financial condition of the applicant at the time of application.

Date of current financial figures \_\_\_\_\_, 20\_\_\_\_\_

Current Assets \$ \_\_\_\_\_ Current Liabilities \$ \_\_\_\_\_

Long-term Debt \$ \_\_\_\_\_ Total Equity \$ \_\_\_\_\_

**10) Bank, Accounting Firm and Bond Company Credit Reference Contact Information:**

Name of Bank or Financial Institute: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Name of Accounting Firm: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Name of Bond Agency \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**11) Individual Municipality/Location**

- \* List each municipality or location at which applicant intends to buy or warehouse grain in this state.
- \* If the applicants' locations are located outside of this state list all locations where applicant conducts or accounts for the business of grain buying or grain warehousing for South Dakota.
- \* Locations listed below need to be listed on the bond and accounted for in the \$275 per location licensing fee

City:	Phone:	Manager's Name:

Attach additional sheet if necessary

**12) Licensing Fee: (page 3 #11 of application)**

The application for a grain buyer license shall be accompanied by a fee of \$275 for each municipality or location.

Number of Locations: \_\_\_\_\_ X \$275 = \$ \_\_\_\_\_ Total licensing fee.

**13) Voluntary Credit Sale Contracts (VCS)**

\_\_\_\_ Yes \_\_\_\_ No: Does your company utilize voluntary credit sale contracts? A voluntary credit sale is defined as, a sale of grain or seeds pursuant to which the sale price is to be paid more than 30 days after the delivery or release of the grain for sale, including those contracts commonly referred to as deferred-payment contracts, deferred-pricing contracts, and price-later contracts.

\_\_\_\_ If yes, I have provided a sample copy of all VCS contracts utilized by the applicant.

**14) Evidence of Property Insurance on Grain Stock/Grain Inventory: (mark one)**

\* A Class A license holder shall keep all company-owned grain in the grain buyers' possession insured at current market value of the grain against loss by fire, windstorm, and extended coverage risks.

\* A public grain warehouse license holder shall keep all grain in the warehouse insured at current market value of the grain against loss by fire, windstorm, and extended coverage risks.

\_\_\_ Evidence of insurance is being provided with this application.

\_\_\_ Evidence of insurance has been or will be provided separate from this application.

\_\_\_ Applicant is a class B grain buyer and is not applying for a grain warehouse license.

\_\_\_ Applicant is requesting a waiver of insurance as they take title, but do not take physical possession of the grain purchased in this state. A completed waiver, Form 14 (a), has been included with this application.

**15) Signature of Officer and Corporate Seal: \*Signature must be notarized in the acknowledgement, # 16, below.**

I hereby authorize the Commission to investigate the financial information submitted for the purpose of verifying its accuracy and truth. My creditors and others who possess knowledge of this information may release it to or discuss it with the Commission or its staff for the purpose of determining whether I will receive the license applied for. I declare and affirm under the penalties of perjury that this application has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

\_\_\_\_\_ Date \_\_\_\_\_ / \_\_\_\_\_ / 20\_\_\_\_\_ (Corporate Seal)

\_\_\_\_\_  
Title

**16) Acknowledgement of Officer Signature:**

STATE OF \_\_\_\_\_ County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me appeared \_\_\_\_\_,

known to me or satisfactorily proven to be the person whose name is \_\_\_\_\_  
subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
My commission expires

(Notarial Seal)

\_\_\_\_\_  
**SD PUC use only:** Fiscal Year Log Line: \_\_\_\_\_ Date Received \_\_\_\_\_  
Number \_\_\_\_\_ Amount \$ \_\_\_\_\_