

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

IN THE MATTER OF PUC STAFF'S) COMPLAINT AGAINST BANGHART) PROPERTIES, LLC, GETTYSBURG, SOUTH) DAKOTA))	ORDER DENYING MOTION TO ALLOW DELIVERY ON OPEN CONTRACTS
)	GW23-001

On January 30, 2023, the South Dakota Public Utilities Commission (Commission) received a Complaint against Banghart Properties, LLC, Gettysburg, South Dakota (Banghart), filed by the Commissioner staff (Staff). The Complaint alleges Banghart operated as a grain buyer without a license in both license years, 2022 and 2023, among other allegations. Notice of the Complaint was sent to Banghart on January 30, 2023.

On February 2, 2023, the Commission electronically transmitted notice of the filing and the answer deadline of February 20, 2023, to interested entities and persons on the Commission's PUC Weekly Filings electronic listserv. On February 7, 2023, Staff filed a Supplemental Affidavit of Cody Chambliss. On February 17, 2023, Banghart filed an Answer to the Complaint. On March 20, 2023, Banghart filed a Motion to Allow Delivery on Open Contracts and an Affidavit of Jan Banghart in Support of Motion to Allow Delivery of Open Contracts. On March 22, 2023, Banghart filed a Second Affidavit of Jan Banghart in Support of Motion to Allow Delivery on Open Contracts. On March 23, 2023, Staff filed a Response in Opposition to Banghart's Motion to Allow Delivery on Open Contracts. On March 27, 2023, Banghart filed a Reply Brief in Support of Motion to Allow Delivery on Open Contracts.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-45, specifically, SDCL 49-45-1, 49-45-7.1, 49-45-10, and 49-1-9.1.

At its regularly scheduled meeting of March 28, 2023, the Commission considered this matter. Having thoroughly reviewed the filings in the docket and after making further inquiry of the parties, the Commission voted unanimously to deny Banghart's Motion to Allow Delivery on Open Contracts. It is therefore

ORDERED, that the Motion to Allow Delivery on Open Contracts is hereby denied.

Dated at Pierre, South Dakota, this 30th day of March 2023.

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>Adam DeHuel</u>
Date: <u>3/30/23</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner