

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

IN THE MATTER OF PUC STAFF'S)	NOTICE OF HEARING AND
COMPLAINT AGAINST YIELD10)	ANSWER DEADLINE
BIOSCIENCE, INC. OF WOBURN, MA)	
)	GW24-001

On April 4, 2024, the Public Utilities Commission (Commission) received a Complaint filed by Commission Staff (Staff) against Yield10 Bioscience, Inc. (Yield10 or Respondent) of Woburn, MA. The Complaint alleges that Yield10's financial position is currently out of compliance with South Dakota law and that Yield10 failed to notify the non-compliance as required by SDCL 49-45-25. The Complaint further alleges that Respondent withheld requested materials from inspectors in violation of SDCL 49-45-26. Staff requests the Commission immediately suspend Respondent's grain buyer license pursuant to SDCL 49-45-16(4) and assess civil penalties of up to \$20,000 for violations of SDCL 49-45-26 and up to \$20,000 for violations of SDCL 49-45-25.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-45. The Commission may rely upon any or all of these or other laws of this state in making its determination.

The Complaint alleges violations of SDCL 49-45-25 and 49-45-26, each of which carries a maximum civil fine of up to \$20,000. In addition, pursuant to SDCL 49-45-16(4), the Commission may immediately suspend a grain buyer's license if the grain buyer refuses to submit to an inspection or cooperate with the lawful requests of a commission inspector, including requests for access to and copies of the books and records of the grain buyer.

In the Complaint and a subsequent letter, Staff requests the Commission consider the suspension of the grain buyer license at the regularly scheduled commission meeting on April 11, 2024.

A hearing will be held by the Commission beginning at 9:30 a.m. CDT, Thursday, April 11, 2024, during the Commission's regularly scheduled commission meeting in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. The only issue to be addressed at this hearing is whether to grant Staff's request to immediately suspend Respondent's Class A grain buyer license. Other issues raised in the Complaint will be addressed at a later date.

If the Commission votes to suspend the grain buyer license pursuant to SDCL 49-45-16, Respondent may, within fifteen days, request a hearing to determine if the license should be revoked. If no request is made, the Commission shall revoke the license.

ORDERED, that a hearing will be held during the Commission's regularly scheduled Commission meeting on April 11, 2024, at 9:30 a.m. CDT in Room 413 of the Capitol Building in Pierre, South Dakota. It is further

ORDERED, that Yield10 may file an Answer to the request for suspension no later than 5:00 p.m. CDT on April 9, 2024. It is further

ORDERED, that Yield10 shall file an Answer to the remainder of the Complaint no later than

5:00 p.m. CDT on April 24, 2024.

Dated at Pierre, South Dakota, this 5th day of April 2024.

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: Kristie Fiegen

Date: 5 April 2024

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner