

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Terri Fritz,)	Docket No. GW-340/GWC-447
Director of the Nebraska Public)	
Service Commission Grain)	
Warehouse Department,)	
)	
COMPLAINANT,)	
)	ORDER OF DISMISSAL
vs.)	
)	
Union Grain Company,)	
)	
RESPONDENT.)	Entered: July 12, 2022

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On May 10, 2022, the Grain Warehouse Department ("Department") of the Nebraska Public Service Commission ("Commission") filed a Complaint against Union Grain Company (hereinafter "Respondent") of Saint Libory, Nebraska, seeking to assess civil penalties against Respondent on the grounds that it operated in an oversold, negative position, a violation of Nebraska statutes and regulations.

Grain warehouses are generally regulated by the Commission pursuant to the Grain Warehouse Act, Neb. Rev. Stat. §§ 88-525 through 88-552, and Neb. Admin. Code Title 291, Ch. 8 of the Commission's Rules and Regulations. The Department's Complaint alleges that Respondent has violated § 88-543, which prohibits warehouse licensees from operating with less grain in the warehouse than outstanding receipts issued for grain stored by valid owners, depositors, or storers of grain in the licensed warehouse. The Complainant alleges Respondent was in an oversold, negative position for seventeen (17) days in 2021: August 18-20, August 23-24, September 25, October 2, October 5-10, and October 12-15.

Since the Complaint in this matter was entered, Respondent has entered into a stipulated agreement with the Department resolving the allegations contained in the Complaint. Pursuant to this agreement, Respondent has paid a civil penalty to the Department and has henceforth agreed to operate its facility in accordance with the Department's rules and regulations. Also pursuant to the agreement, the Department and Respondent have

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Docket No. GW-340/GWC-447

Page 2

jointly requested the Commission to enter an order in this docket dismissing the Complaint and releasing Respondent from further compliance obligations regarding the Complaint.

Upon review of the facts of this case, the stipulated agreement, and applicable laws and regulations, the Commission finds that the stipulation in this matter is reasonable and in accordance with Commission policy and that the Complaint in this matter should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation between Union Grain Company and the Grain Warehouse Department of the Nebraska Public Service Commission be approved, and the above-captioned Complaint be dismissed.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the hearing in this matter, be, and is hereby cancelled.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 12th day of July, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Crystal Swader
Mary Keddin
Tim Schram

David Watson

Chair

ATTEST:

Thomas W. Golden
Executive Director