Nebraska Public Service Commission

COMMISSIONERS:
ROD JOHNSON
FRANK E. LANDIS
CRYSTAL RHOADES
MARY RIDDER
TIM SCHRAM

EXECUTIVE DIRECTOR:
JEFFREY L. PURSLEY

300 The Atrium, 1200 N Street, Lincoln, NE 68508
Post Office Box 94927, Lincoln, NE 68509-4927
Website: psc.nebraska.gov
Phone: (402) 471-3101
Fax: (402) 471-0254

NEBRASKA CONSUMER HOTLINE:
1-800-526-0017

July 6, 2017

VIA INTEROFFICE MAIL
Bess Boesiger
Secretary of State's Office
Room 2300, State Capitol
Lincoln, NE 68509

RE: Proposed Rule & Regulation #200
Grain Warehouses

Dear Ms. Boesiger:

Enclosed please find an Order Opening Docket, Releasing Proposed Rules, Seeking Comment and Setting Hearing entered by the Public Service Commission to amend N.A.C. Title 291, Chapter 8, which pertains to Grain Warehouses. The proposed rules are in accordance with LB 730 (2016)

A hearing on this matter has been scheduled for Tuesday, August 22, 2017, at 1:30 PM, with comments due Friday, August 4, 2017 by 3:00 PM.

If you should have any questions, please do not hesitate to contact me or my Executive Assistant, John T. Monroe, at (402) 471-0221.

Sincerely,

Shanicee Knutson

Shanicee Knutson
Deputy Director

SLK/jtm

Enclosure: Order Opening Docket, Releasing Proposed Rules, Seeking Comment and Setting Hearing

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July 5, 2017

To All Interested Parties:

RE: RULE AND REGULATION #200: In the Matter of the of the Commission, on its own motion, seeking to amend Title 291, Chapter 8, Grain Warehouse Rules and regulations, to adopt rules in accordance with Nebraska Legislative Bill 730 [2016], clarify security coverage for sellers of grain and correct time for sellers to make a claim.

CERTIFICATION

I, Shanicee Knutson, Deputy Director of the Nebraska Public Service Commission, hereby certify that a true and correct copy of the original order made and entered in the proceeding docketed Rule and Regulation No. 200, on the 5th day of July 2017, is enclosed. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Ellie Rohr, Legal Counsel, at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 5th day of July 2017.

Sincerely,

Shanicee Knutson

Shanicee Knutson
Deputy Director

SK/da

CC: Distribution List
Bess Boesiger, Secretary of State's Office, Room 2300, State Capitol
Erin Northwall, Governor's Policy Research Office, Room 1319, State Capitol
Senator Dan Watermeier, Chairman, Executive Board, District #1, State Capitol

BANCROFT GRAIN LLC 2181
PO BOX 305
BANCROFT, NE 68004-0305

CROFTON ELEVATOR INC 2183
PO BOX 155
CROFTON, NE 68730-0155

THE ANDERSONS INC 2184
ATTN: JUDY BALDWIN
PO BOX 119
MAUMEE, OH 43537

PRIDE ENTERPRISES INC 2185
DBA PRIDE GRAIN
44075 US HWY 20
LONG PINE, NE 69217-5214

GREEN PLAINS ST EDWARD LLC 2186
450 REGENCY PARKWAY STE 400
OMAHA, NE 68114

RICHARDSON MILLING INC 2187
2800 ONE LOMBARD PLACE
WINNAPEG, MB, CANADA
R3B OX8

BEEMER GRAIN LLC 2188
106 S MAIN STREET
BEEMER, NE 68716

BOSSEN LIVESTOCK CO 2189
PO BOX 185
ARCADIA, NE 68805-0185

MANNING GRAIN COMPANY 2190
4 BURRESS RD
FAIRMONT, NE 68354

MID PLAINS GRAIN LLC 2191
PO BOX 146
BRUNSWICK, NE 68720

WELLINGTON TECHNOLOGIES 2192
1119 W SCOTT ST
BEATRICE, NE 68310

81-20 GRAIN LLC 2193
86524 – HWY 81
RANDOLPH, NE 68771

DIXON ELEVATOR CO 1946
PO BOX 8
DIXON, NE 68732-0008

NEBRASKA SALT & GRAIN CO 1954
PO BOX 489
GOTHENBURG, NE 69138-0489

KASSIK MILLING CO INC 1999
PO BOX 128
MILLIGAN, NE 68406-0128

COLON ELEVATOR CO 2061
PO BOX 36
COLON, NE 68018-0036

SEVEN VALLEYS GRAIN CO 2066
PO BOX 145
CALLAWAY, NE 68825-0145

MATHIESEN GRAIN CO 2107
1550 NEBRASKA ST
BLAIR, NE 68008

CARROLL FEED & GRAIN CO 2122
PO BOX 204
CARROLL, NE 68723-0204

THE SCOULAR COMPANY
ATTN: KRISTY FORTINBERRY
705 TALLAPOOSA COURT
BONAIRE, GA 31005

SCHAEFER GRAIN CO 2134
PO BOX 267
PLAINVIEW, NE 68769-0267

GROVIJOHN FEED & SEED 2137
PO BOX 381
HOWELLS, NE 68641-0381

LORENSEN LUMBER & GRAIN 2147
PO BOX 220
PENDER, NE 68047-0220

KRUMEL GRAIN & STORAGE INC 2152
PO BOX 205
WAHOO, NE 68066-0205

NORDER SUPPLY INC 2156
PO BOX 143
HEBRON, NE 68370-0143

PENDER GRAIN ELEVATOR INC 2174
PO BOX 28
PENDER, NE 68047-0028

FORDYCE FARMERS N/S COOP 1033
PO BOX 187
FORDYCE, NE 68736-0187

FARMERS COOP ASSN 1036
PO BOX 38
LINDSAY, NE 68644-0038

OSMOND FARM SUPPLY CENTER 1112
PO BOX 480
OSMOND, NE 68765-0480

TROTTER INC 1119
PO BOX 158
ARCADIA, NE 68815-0158

COOPERATIVE PRODUCERS INC 1154
PO BOX 1008
HASTINGS, NE 68902-1008

HERBERT FEED & GRAIN CO 1679
PO BOX 290
VERDIGRE, NE 68783-0290

FARMERS/RANCHERS COOP 1743
224 SOUTH MAIN
AINSWORTH, NE 69210-1358

GRAIN STATES SOYA INC 1766
PO BOX 157
WEST POINT, NE 68788-0157

BELDEN GRAIN & FEED INC 1777
PO BOX 66
BELDEN, NE 68717-0066

GARRYS FARM SERVICE INC 1790
88111 545 AVE
BLOOMFIELD, NE 68718-4034

TYSONS INC 1806
200 N 10TH
BLAIR, NE 68008

FARMERS COOP ASSN 1823
PO BOX 69
CEDAR BLUFFS, NE 68015-0069

FARMERS UNION COOP ASSN 1850
PO BOX 499
GRETNA, NE 68028-0499

SALEM GRAIN CO INC 1883
64594 707 LN
SALEM, NE 68433 0182

FARMERS GRAIN & LIVESTOCK 408
PO BOX 230
HADAR, NE 68738-0230

FARMERS UNION COOP CO 445
508 N PARK ST
SPENCER, NE 68777

FARMERS UNION COOP CO 471
PO BOX 135
FRIEND, NE 68359-0135

FARMERS UNION COOP SUPPLY 535
PO BOX 276
CLARKSON, NE 68629-0276

COOPERATIVE SUPPLY INC 537
PO BOX 278
DODGE, NE 68633-0278

KROEKER GRAIN & LUMBER CO 553
PO BOX 157
HENDERSON, NE 68371-0157

FARMERS COOP GRAIN & SUPPLY 578
PO BOX 337
TRENTON, NE 69044-0337

OSHKOSH GRAIN INC 615
PO BOX 572
OSHKOSH, NE 69154-0572

CROSSROADS COOP ASSN 666
PO BOX 153
SIDNEY, NE 69162-0153

OCHSNER GRAIN CO INC 697
PO BOX 547
MADISON, NE 68748-0547

ST PAUL COOP GRAIN ASSN 751
PO BOX 187
ST. PAUL, NE 68873-0187

COUNTRY PARTNERS COOP 852
PO BOX 80
GOTHENBURG, NE 69138-0080

FARMERS COOP CO 926
PO BOX 226
TALMAGE, NE 68448 0226

BRUNING GRAIN & FEED CO INC 1013
PO BOX 67
BRUNING, NE 68322 0067

J E MEURET GRAIN CO INC 19
PO BOX 146
BRUNSWICK, NE 68720-0146

FARMERS UNION COOP ASSN 20
PO BOX 68
LYNCH, NE 68746-0068

AG VALLEY COOP NS 22
PO BOX 68
EDISON, NE 68936-0068

CLARK GRAIN CO 91
PO BOX 218
JOHNSON, NE 68378-0218

MIDWEST FARMERS COOP 153
PO BOX 40
ELMWOOD, NE 68349-0040

ELYS INC 244
PO BOX 185
GUIDE ROCK, NE 68942-0185

FARMERS COOPERATIVE 279
ATTN: DALE HAYEK
PO BOX 263
DORCHESTER, NE 68343-0263

GENEVA MILLING CO INC 306
PO BOX 146
GENEVA, NE 68361-0146

UNION GRAIN COMPANY 340
PO BOX 8
ST. LIBORY, NE 68872-0008

SHICKLEY GRAIN CO 349
PO BOX 138
SHICKLEY, NE 68436-0138

PRINZ GRAIN & FEED INC 371
PO BOX 265
WEST POINT, NE 68788-0265

BATTLE CREEK FARMERS COOP 378
PO BOX 10
BATTLE CREEK, NE 68715-0010

BAUER ELEVATOR INC 384
56182 SHOLES DR
RANDOLPH, NE 68771

FARMERS COOPERATIVE 405
325 W 1ST STREET
PILGER, NE 68768-0326

NEBRASKA GRAIN AND FEED ASSO
ATTN: KRISTI BLOCK
4600 VALLEY ROAD STE 416
LINCOLN, NE 68510-4844

MIKE SANDER
NEBRASKA FSA
7131 A ST
LINCOLN, NE 68510

BOB HARVESON
NEBRASKA DRY BEAN GROWERS ASSN
4502 AVENUE I
SCOTTSBLUFF, NE 69361

JAY REMPE
NEBRASKA FARM BUREAU
5225 S 116TH ST
LINCOLN, NE 68501

JOHN HANSEN
NEBRASKA FARMERS UNION
1305 PLUM
LINCOLN, NE 68502

ROCKY WEBER
NEBRASKA COOPERATIVE COUNCIL
134 S 13TH ST., SUITE 503
LINCOLN, NE 68508-1901

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 8, Grain Warehouse Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 730 [2016], clarify security coverage for sellers of grain, and correct time for sellers to make a claim.	)	Rule and Regulation No. 200 ORDER OPENING DOCKET, RELEASING PROPOSED RULES, SEEKING COMMENT, AND SETTING HEARING Entered: July 5, 2017

BY THE COMMISSION:

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

The Commission, on its own motion, hereby opens this proceeding to amend Title 291, Chapter 8, Grain Warehouse Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 730 passed in 2016 by the Nebraska Legislature and relating to security coverage for sellers of grain stored in a warehouse closed by the Public Service Commission. In LB 730, the Legislature modified the requirements to qualify for security coverage when a warehouse is closed by the Commission.

Further, the Commission entered an order November 17, 2015, seeking comments on changes to the rules under LB 183 passed in 2015. LB 183 reduced the number of days a seller had to make a claim regarding lack of payment from 30 to 15. One such rule remained unchanged in the updated rules.

The Commission proposes to amend Title 291, Chapter 8, Grain Warehouse Rules and Regulations as seen in the attached Appendix A, incorporated herein by this reference.

Comments on the proposed amendments shall be filed by interested parties on or before **3:00 p.m., Friday, August 4, 2017**. Parties filing comments should file one original and five (5) paper copies and one (1) electronic copy emailed to **terri.fritz@nebraska.gov and ellie.rohr@nebraska.gov**.

The Commission finds that this matter should be set for hearing on **Tuesday, August 22, 2017, 1:30 PM** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that this rulemaking amending Title 291, Chapter 8, Grain Warehouse Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 730 passed in 2016 by the Nebraska Legislature and relating to security coverage for sellers of grain stored in a warehouse closed by the Public Service Commission.

IT IS FURTHER ORERED that interested parties file comments on or before **3:00 p.m. Friday, August 4, 2017**. Parties filing comments should file one original and five (5) paper copies and one (1) electronic copy emailed to **terri.fritz@nebraska.gov** **and** **ellie.rohr@nebraska.gov**.

IT IS FURTHER ORDERED that this matter be set for hearing on, **Tuesday, August 22, 2017, at 1:30 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 5th day of July, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Mary Reddin

Crystal Rhoades

//s//Frank E. Landis

//s//Tim Schram

Chairman

ATTEST:

Deputy Director