

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Terri Fritz,)	Docket No. GDC-455/GD-3032
Director of the Nebraska Public)	
Service Commission Grain Dealer)	
Department,)	
)	ORDER APPROVING STIPULATION
COMPLAINANT,)	DISMISSING COMPLAINT AND
)	REINSTATING LICENSE
vs.)	
)	
NORAG LLC, Stilwell, Kansas,)	
)	
RESPONDENT.)	Entered: July 25, 2023

BY THE COMMISSION:

On June 7, 2023, the Grain Dealer Department ("Department") of the Nebraska Public Service Commission ("Commission") filed a Complaint against NORAG LLC ("Respondent") of Stilwell, Kansas (collectively the "parties") seeking, among other remedies, suspension of its license due to deficiencies in its financial statement filed with the Department. On June 13, 2023, the Commission entered an order temporarily suspending Respondent's grant dealer license.

Grain dealers are generally regulated by the Commission pursuant to the Grain Dealer Act, which is codified in Neb. Rev. Stat. §§ 75-901 through 75-910, and are subject to the Commission's Rules and Regulations in Neb. Admin. Code Title 291, Ch. 8. The Complaint alleges Respondent violated §§ 003.03H and 003.03I of the Commission's rules which require grain dealers to demonstrate minimum net worth requirements and a minimum working capital ratio.

Subsequent to the issuance of this Complaint, Respondent has cured its deficiencies and entered into a stipulated agreement with the Department resolving the allegations contained therein. Pursuant to the agreement, Respondent committed to file a satisfactory Operating Line of Credit ("OLC") with the Department on or before November 1, 2023, and has henceforth agreed to submit its financial statement in accordance with the Department's rules and regulations. In addition, the Department and Respondent have jointly requested the Commission enter an order dismissing the Complaint and reinstating the grain dealer license held by Respondent.

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

Pursuant to Neb. Rev. Stat. § 84-913, the Commission has the authority to dispose of a contested case by stipulation, agreed settlement, consent order, or default.¹ In reviewing stipulations filed by the Department, the Commission generally considers whether the terms and conditions of the stipulation will fairly and reasonably resolve the complaint.² In this particular instance, according to the parties, the Respondent has cured the deficiencies found by the Department. The parties' agreement also provides sufficient assurance that Respondent will maintain its financial competence through the requirement of the OLC filing. In sum, based upon review of the facts of this case, the stipulated agreement, and applicable laws and regulations, the Commission finds that the agreement filed in this matter is fair and reasonable and that the above-captioned Complaint should be dismissed. The Commission further finds that Respondent's grain dealer license should be reinstated. The Commission shall retain jurisdiction over this matter for the purposes of enforcing the terms of the stipulation.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation between NORAG LLC and the Grain Department of the Nebraska Public Service Commission shall be, and it is hereby, approved, and the above-captioned Complaint is hereby dismissed.

IT IS FURTHER ORDERED that the NORAG LLC's Grain Dealer License shall be, and it is hereby, reinstated.

¹ See Neb. Rev. Stat. § 84-913. See also Neb. Admin. Code, Title 291, Ch. 1, § 007.05.

² See e.g., *In the Matter of John. A. Fecht, Director Warehouse Department of the Nebraska Public Service Commission v. Geneva Milling Co.*, GWC-404, ORDER APPROVING STIPULATION AND DISMISSING COMPLAINT (May 17, 2005); *In the Matter of John. A. Fecht, Director Warehouse Department of the Nebraska Public Service Commission v. McNally Trucking, Inc.*, GDC-415, ORDER APPROVING STIPULATION AND DISMISSING COMPLAINT (March 29, 2006).

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25th day of July, 2023.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

[Signature]

Tim Schram

Kevin Stocker

[Signature]

Chair

ATTEST:

Thomas W. Golden
Executive Director