

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Application No. GW-2187
Richardson Milling, Inc., f/k/a 21C)	
Oats Inc., South Sioux City, Nebraska,)	
Seeking Approval of Special Storage)	ORDER APPROVING SPECIAL RATE
Rates for Identity Preserved Barley.)	
)	
)	Entered: February 25, 2014
)	

BY THE COMMISSION:

On December 24, 2013, Richardson Milling, Inc., f/k/a 21C Oats Inc., South Sioux City, Nebraska (Applicant) filed an application seeking approval of a special storage rate for identity preserved barley pursuant to Neb. Admin. Code, 291, Ch. 8 Title 291, § 002.12A2 (2005).

Notice of the Application was published in the Daily Record, Omaha, Nebraska on January 3, 2014. No petitions for intervention were filed.

Hearing on the matter was held on February 18, 2014 in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln and via video at South Sioux City, City Hall, 1615 1st Avenue, South Sioux City, Nebraska. Angela Melton appeared on behalf of Commission staff. Applicant was not represented by counsel and no other attorneys entered an appearance.

EVIDENCE

Mr. Bryan Ledgerwood testified on behalf of Applicant. Also in attendance on behalf of Applicant were Kurt Eriksen and William Kastning. Mr. Ledgerwood stated that the contract and rates at issue relate to ConAgra Foods and identify preserved barley for their Fiber One products. The barley is stored in designated bins and the company pays storage in the amount of \$1,800 per 45,000 bushels of barley. If the full 45,000 bushels is stored in the bin, the storage rate is \$.04 per bushel. However, because the rate is based upon the full capacity of the bin rather than the actual amount of barley in the bin, when less than 45,000 bushels is stored, the rate exceeds the Commission approved schedule A & E rates. Based upon the agreement between the warehouse and ConAgra, this barley must be segregated and requires that separate bins be used. Due to the specific treatment required by the storer, Applicant is requesting that the Commission approved the special rate as set forth herein.

FINDINGS AND CONCLUSION

With respect to the establishment and charging of storage rates, Neb. Rev. Stat. § 88-541 (2008 Reissue) states, in relevant part,

No less than once each year, the commission shall by order fix reasonable storage rates, and no warehouse licensee shall charge a lesser or greater rate, except upon application to and a hearing before the commission. If, after a hearing, the commission finds that a lesser or greater rate should be ordered, it shall enter a supplemental order fixing a different rate for such applicant. Such charges shall be full compensation for the receiving, handling, storing, delivering, and insuring of grain. No discrimination shall be made between different customers by any state-licensed barley warehouse either in facilities, charges, or handling of any grain ...

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The evidence shows that the barley at issue requires special handling and that the rate structure proposed is consistent with the special handling required. The Commission finds that due to the unique handling required by the customer, the special rate requested is not discriminatory. However, should another customer require the same services, the special rate set forth herein shall apply. The Commission may, at its discretion, review this special rate at any time.

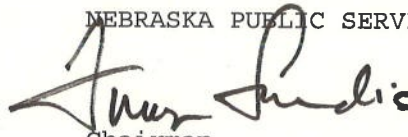
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that special storage rate set forth herein is approved. The Commission reserves the right to review this rate at any time.

MADE AND ENTERED at Lincoln, Nebraska, this 25th day of February, 2014.





NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chairman

ATTEST:


Executive Director

//s//Frank E. Landis