

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint)	Application No. GW-2192/
of John Fecht, Director of the)	GWC-442
Nebraska Public Service)	
Commission Grain Warehouse)	
Department,)	
)	
Complainant,)	ORDER DISMISSING COMPLAINT
vs.)	
)	
Wellington Technologies, LLC)	
d/b/a Booth Feeds,)	Entered: November 21, 2016
)	
Respondent)	

BY THE COMMISSION:

FINDINGS AND OPINION

On February 22, 2016, the Grain Warehouse Department (Department) of the Nebraska Public Service Commission (Commission) filed a Complaint against Wellington Technologies, LLC d/b/a Booth Feeds, Beatrice, Nebraska, (Respondent), alleging that said warehouse licensee violated provision of the Grain Warehouse Act and Commission Rules and Regulations.

A hearing on this matter was held on April 19, 2016 in the Commission Hearing Room. On April 19, 2016, the Respondent and the Department entered into a Stipulated Agreement (Agreement) and recommended at the hearing that the Commission enter an order approving the Agreement and keep the above-captioned proceeding open for a period consistent with the terms of the Agreement.

On May 10, 2016, the Commission entered an order approving the Agreement. The Agreement kept the above-captioned complaint open and included the following terms: the Respondent would pay a civil penalty, change managing partners after the new managing partner successfully completed a criminal background check, and placed the Respondent on probation until November 19, 2016. During the probationary period, the Respondent was required to file monthly reports and the Department would conduct three additional, unannounced grain exams. Finally, the Respondent agreed to submit an audited financial statement for 2016 for review by the Department in 2017.

Since entering the Stipulation the Respondent has complied with all the terms and conditions of the approved Agreement,

with the exception of the audited financial statement which will not be prepared until after the end of 2016. Further, the Department has reviewed the monthly reports and conducted the additional warehouse exams of the Respondent's facilities has found no violations. Upon review, the Commission finds that the probationary period has been successfully completed and the Complaint should be dismissed. The Commission further reminds the Respondent that dismissing the above-captioned complaint does not relieve the Respondent from the requirement to file an audited financial statement for year-end 2016 in 2017. Failure by the Respondent to comply with the remaining terms of the Agreement may result in further administrative proceedings.



O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned complaint, be, and is hereby, dismissed, consistent with the findings above.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 21st day of November, 2016.


NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



 //s//Frank E. Landis
 //s//Tim Schram


 Chairman

ATTEST:


 Executive Director