

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of John A. Fecht,	)	Docket No. GWC-441/
Director Warehouse Department	)	GW-2136/GD-2136
Nebraska Public Service	)	
Commission,	)	
	)	
Complainant,	)	
	)	ORDER SCHEDULING ORAL
v.	)	ARGUMENTS
	)	
Pierce Elevator, Inc., Pierce,	)	
Nebraska,	)	
	)	
Defendant.	)	Entered: May 5, 2014

BY THE HEARING OFFICER:

On March 5, 2014, John A. Fecht, Director, Warehouse Department ("Department"), filed a verified petition seeking an order to close the warehouse of Pierce Elevator, Inc., Pierce, Nebraska ("Pierce" or "Defendant") and to take title to all grain in the warehouse. Defendant voluntarily surrendered its grain dealer and grain warehouse licenses on March 4, 2014.

On March 5, 2014, the Commission entered an order closing Pierce's warehouse at all locations and taking title to all grain in storage in trust for all valid owners, depositors or storers of grain.

On May 1, 2014, Mr. Richard Garden, Jr., attorney for thirty claimants in the above-captioned docket, filed a request for the Commission to issue subpoenas to certain parties and non-parties in the proceeding, seeking to obtain documents and take depositions.

Upon review of the request, the relevancy of the subpoenas requested to the claims determination process under the Grain Warehouse and Dealer Act is not readily apparent. Further, the scope of the requested discovery may be beyond the scope of this proceeding. Therefore, I find that the requesting party shall have an opportunity to explain the relevancy and necessity of the requested subpoenas.

The Hearing Officer finds that oral arguments on the requests for subpoenas shall be scheduled for **Wednesday, May 7, 2014, at 2:00 p.m.** in the Commission Hearing Room at 300 The Atrium, 1200 N Street, Lincoln, Nebraska. A phone bridge shall also be available for party participation at **888-820-1398, code: 55582059#**.

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O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that oral arguments on Mr. Garden's request for subpoenas shall be scheduled for **Wednesday, May 7, 2014, at 2:00 p.m.** in the Commission Hearing Room at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, and via phone bridge at **888-820-1398, code: 55582059#..**

MADE AND ENTERED in Lincoln, Nebraska, on this 5<sup>th</sup> day of May, 2014.

BY:

  
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Rod Johnson  
HEARING OFFICER