

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission,**

**Case No. GE-04-516**

**Complainant,**

**vs.**

**Rayglen Commodities, Inc.,**

**Respondent.**

**COMPLAINT**

The Public Service Commission's Staff, (Staff) for its complaint against the Respondent Rayglen Commodities, Inc. alleges and shows the following:

I.

Rayglen Commodities, Inc., #1-3825 Thatcher Avenue, Saskatoon, Saskatchewan, S7R 1A3, is a grain buyer / broker.

II.

Rayglen is operating as a grain buyer within the State of North Dakota without the required license, bond, and corresponding filing requirements.

III.

Under N.D.C.C. § 60-02.1-01(6) a grain buyer means any person, other than a public warehouseman, who purchases or otherwise merchandises grain for compensation.

IV.

On August 30, 2004 and on September 1, 2004, staff received phone calls from the elevator manager for Demeter (1993) Inc. dba Agricore (Agricore) in Ray, North Dakota and from the Executive Director of the ND Dry Pea and Lentil Association

regarding the license status of Rayglen Commodities, Inc. Both callers alleged that Rayglen Commodities, Inc. is merchandising peas and lentils in North Dakota.

V.

On September 21, 2004, staff received a phone call and e-mail from Desmond Guenther, representing Rayglen Commodities, Inc. Staff informed Mr. Guenther of the grain buyer license laws and directed Mr. Guenther to the grain buyer laws, rules, and applicable application documents on the Commission's web-site.

VI.

On September 28, 2004, the manager of the Ray Farmers Union Elevator Company faxed copies of four grain merchandising contracts entered into between Rayglen Commodities, Inc. and the Ray Farmers Union Elevator Company. Two of the merchandising contracts are dated September 24, 2004 and two are dated September 27, 2004.

VII.

N.D.C.C. § 60-02.1-07 requires that grain buyers must be licensed by the Commission to operate in the State of North Dakota.

VIII.

Rayglen Commodities, Inc., violated N.D.C.C. Chapter 60-02.1 by failing to apply for and receive the required grain buying license.

IX.

Pursuant to N.D.C.C. § 28-32-21(e), an answer to this complaint must be filed with the Commission within twenty (20) days after service of the complaint, or the Commission may deem the complaint to be admitted. If the Respondent, Rayglen Commodities, Inc. fails to answer as required within twenty days after service of the complaint, the Commission may enter an order in default as the facts and the law may warrant.

Wherefore, the Commission Staff seeks the following relief:

### **Relief Sought**

1. That the Respondent be found to have violated N.D.C.C. Chapter 60-02.1 by failing to apply for and receive the required grain buyer license.
2. That the Commission impose sanctions or penalties as appropriate under the circumstances and as allowed by N.D.C.C. § 49-07-01.1, which may include a fine of up to \$5,000.
3. For such other relief that the Commission finds just and proper.

Dated this **6<sup>th</sup> day of October, 2004.**

PUBLIC SERVICE COMMISSION STAFF

---

William W. Binek (ID#02990)  
Chief Counsel  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480  
Phone: 701-328-4088  
Fax: 701-328-2410  
Counsel for Public Service Commission Staff