

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF PUC STAFF'S) COMPLAINT AGAINST YIELD10) BIOSCIENCE, INC. OF WOBURN, MA))	ORDER FOR AND NOTICE OF EVIDENTIARY HEARING GW24-001
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On April 4, 2024, the Public Utilities Commission (Commission) received a Complaint filed by Commission Staff (Staff) against Yield10 Bioscience, Inc. (Yield10 or Respondent) of Woburn, MA. The Complaint alleged that Yield10's financial position was out of compliance with South Dakota law and that Yield10 failed to notify the non-compliance as required by SDCL 49-45-25. The Complaint further alleges that Respondent withheld requested materials from inspectors in violation of SDCL 49-45-26. Staff requested the Commission immediately suspend Respondent's grain buyer license pursuant to SDCL 49-45-16(4) and assess civil penalties of up to \$20,000 for violations of SDCL 49-45-26 and up to \$20,000 for violations of SDCL 49-45-25.

On April 5, 2024, the Commission issued a Notice of Hearing and Answer Deadline, providing notice to all parties of a hearing on Staff's request for suspension of Yield10's grain buyer license, as well as notice that Yield10 must file an answer to the Complaint no later than April 24, 2024. Yield10 thereafter voluntarily surrendered its grain buyer license, and the Commission issued an order accepting the surrender and noting that the remainder of the issues in Staff's Complaint were not withdrawn. Yield10 failed to file an answer in this proceeding.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26 and 49-45. The Commission may rely upon any or all of these or other laws of this state in making its determination.

The Complaint alleges violations of SDCL 49-45-25 and 49-45-26, each of which carries a maximum civil fine of up to \$20,000.

A hearing will be held by the Commission beginning at 9:30 a.m. CDT, Friday, July 19, 2024, during the Commission's regularly scheduled commission meeting in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota. The issues to be addressed at this hearing are whether Yield10 violated SDCL 49-45-25, whether Yield10 violated SDCL 49-45-26, and whether the Commission will assess civil penalties pursuant to SDCL 49-45-25 and SDCL 49-45-26.

The hearing will be a quasi-judicial adversarial proceeding conducted pursuant to SDCL Chapter 1-26. All parties will have the opportunity to appear, present evidence, cross-examine the other parties' witnesses, and exercise all other rights afforded by SDCL Chapters 1-26 and 49-45, and ARSD Chapters 20:10:01. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights will be forfeited if not exercised at the hearing. All persons testifying will be subject to cross-examination. The Commission's final decision will be based solely on the testimony and evidence offered and received into evidence at the hearing. If a party or its representative fails to appear at the time and place set for the hearing, a decision may be issued by default pursuant to SDCL 1-26-20. As a result of this hearing, the Commission will

make a decision on the issue set forth above. The Commission's final decision may be appealed by the parties to the circuit court and the State Supreme Court as provided by law.

It is therefore

ORDERED, that a hearing will be held during the Commission's regularly scheduled Commission meeting on July 19, 2024, at 9:30 a.m. CDT in Room 413 of the Capitol Building in Pierre, South Dakota. It is further

ORDERED, that unless prior approval from the Commission is received, all witnesses must be physically present to testify. It is further

ORDERED, that exhibits must be marked and prefiled no later than 5:00 p.m. CDT on July 17, 2024. It is further

ORDERED, that the witness lists shall be filed no later than 5:00 p.m. CDT on July 17, 2024.

Pursuant to the Americans with Disabilities Act, this hearing is being held in physically accessible location. Please contact the Public Utilities Commission at (605) 773-3201 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 3rd day of July 2024.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By: Kristie Fiegen

Date: 3 July 2024

BY ORDER OF THE COMMISSION:

Kristie Fiegen
KRISTIE FIEGEN, Chairperson

Gary Hanson
GARY HANSON, Commissioner

Chris Nelson
CHRIS NELSON, Commissioner