

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, ) Schedules "A" and "E" Rates  
on its own motion, seeking to )  
determine reasonable A & E ) ORDER SETTING SCHEDULE "A"  
storage rates and charges for ) AND "E" RATES  
Public Grain Warehouses for the )  
2018-2019 storage year. ) Entered: May 15, 2018

BY THE COMMISSION:

The above-captioned proceeding was opened by the Nebraska Public Service Commission ("Commission"), on its own motion, to fix reasonable storage rates for warehouse licensees. The Commission is charged by statute to not less than once a year hold a public hearing and fix reasonable storage rates for warehouse licensees. (*Neb. Rev. Stat. § 88-541*).

Notice of the proceeding appeared in The Daily Record, Omaha, Nebraska, on April 12, 2018. The order opening the above-captioned docket and setting the hearing was entered on April 10, 2018 and mailed to all interested parties. A Public hearing was held on May 8, 2018 in the Commission Hearing Room.

John Fecht, director of the Grain Warehouse Department, testified on behalf of the Commission Staff, stating that few warehouses are currently charging the maximum allowed rate. The warehouses with whom he spoke indicated they may want to reevaluate next year but did not require an increase for the 2018/2019 year. Mr. Fecht recommended based on his analysis of grain prices that the current storage rates remain unchanged.

O P I N I O N   A N D   F I N D I N G S

In consideration of the evidence adduced, state law and the Rules of the Commission, the Commission finds that Schedules "A" and "E" Rates as found in Appendix A should remain unchanged commencing May 15, 2018. Appendix A maximum rates should remain at .00165 per bushel, per day on all grains and soybeans should remain at .00187 per bushel, per day for Schedule "A" rates and charges. The Commission further finds that the current cap on receiving, handling and delivery charges should remain at \$.36 per bushel.

With respect to Schedule "E", rates should remain at a maximum storage and insurance charge for dry edible beans not to exceed \$.0039 per cwt., per day with receiving and delivering charges not to exceed \$.15 per cwt. For popcorn storage charges should remain at a maximum rate of \$.0025 per cwt., per day with a maximum one time combined receiving and delivery charge of \$.30 per cwt.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Schedule "A" and "E" Rates as shown in Appendix A of this order, be, and are hereby, entered for the period commencing May 15, 2018, with Schedules "A" and "E" Rates remaining in effect until further order of this Commission.

IT IS FURTHER ORDERED that a schedule of rates and charges as prescribed in Schedules "A" and "E" shall be posted in a conspicuous place in the warehouse and may not be changed except upon hearing before, and approval by, the Commission, and such schedule of rates and charges, when adopted by a warehouseman, shall be the maximum rates and charges to all depositors of grain without discrimination in storage facilities, service, or gratuity. These charges shall be full compensation for receiving, handling, storing, delivering, and insuring such grain.

IT IS FURTHER ORDERED that the rates and charges herein prescribed be designated Schedules "A" and "E" Rates and are hereby made a part of the Order by reference, the same as though fully set forth in words and figures.

IT IS FINALLY ORDERED that this Order shall become effective as set forth in the foregoing findings, and shall continue in full force and effect until further order of the Commission.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 15<sup>th</sup> day of May, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Crystal Guader*  
*Frank E. Landis*  
*Tim Schram*

*Mary Ridder*  
Chair

ATTEST:

*Phillip B. H. J.*  
Executive Director

//s//Frank E. Landis  
//s//Mary Ridder

**APPENDIX "A"**  
**SCHEDULES "A" AND "E" RATES**

NEBRASKA PUBLIC SERVICE COMMISSION  
300 THE ATRIUM, 1200 "N" STREET, P.O. BOX 94927  
LINCOLN, NEBRASKA 68509

**SCHEDULE "E" RATES AND CHARGES**

**COVERING DRY EDIBLE BEANS AND POPCORN  
RECEIVED BY TRUCK OR RAIL**

These Schedule E charges shall be the maximum compensation allowed for receiving, handling, storing, and delivering and insuring. Warehouses may charge less than the rates listed below.

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DRY EDIBLE BEANS

Rates applicable on and after October 11, 2018, for all Dry Edible Beans deposited for storage on or before October 11, 2018, of the current crop year. Henceforth, after each deposit of dry edible beans by the producer or owner (other than the warehouseman) under future sales contract, purchase agreement or storage, the charges authorized in Schedule "E" herein, shall be computed and collected as follows:

Storage and Insurance

Not to Exceed .0039 per cwt. per day

<u>Receiving Charge</u>	<u>Delivering Charge</u>
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15 cents per cwt.	15 cents per cwt.
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POPCORN

Storage and Insurance

Not to Exceed .0025 per cwt. per day

Receiving and Delivering Charge

A one Time Combined Charge Not to Exceed 30 cents per cwt.

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Notes: When grain (dry edible beans; popcorn) is purchased from the producer in store, the warehouseman may waive the receiving, handling and delivering charges.

Storage will not be charged when a warehouse is off the market.

**SCHEDULE "A" RATES**

THE FOLLOWING SCHEDULE "A" RATES AND CHARGES APPLY TO  
STATE-LICENSED PUBLIC GRAIN WAREHOUSES  
COMMENCING MAY 15, 2018

THESE CHARGES SHALL BE FULL COMPENSATION FOR RECEIVING,  
HANDLING, STORING, DELIVERING AND INSURING OF COMMODITIES LISTED

COMMODITY	RECEIVING, HANDLING AND DELIVERING BY TRUCK, RAIL OR BARGE	STORAGE AND INSURING
	CENTS PER BUSHEL ONE-TIME COMBINED CHARGE	THOUSANDTHS OF A CENT PER BUSHEL PER DAY
	Shall Not Exceed	Not to Exceed
Barley	36	165
Corn	36	165
Grain Sorghum	36	165
Millet	36	165
Oats	36	165
Rye	36	165
Soybeans	36	187
Sunflower Seed	36	165
Wheat	36	165
Grain Bank Grain See Note 8	Receiving and handling Included in storage rates	165

NOTES TO "A" RATES

**Note 1:** Nebraska Warehouse Act, Section 88-541, R.R.S. 1943, as amended, reads as follows: "not 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 grain warehouse either in facilities, charges, or handling of any grain, except that members of a cooperative may be given preference in storage facilities in warehouses of the cooperative. The rates charged to any governmental agency shall be exempt from Commission regulation." This shall not be construed to prevent the warehouseman from establishing varying rates or procedures for the handling of different types of grains.

**Note 2:** Any warehouseman who wishes to store grain in an identity preserved basis under Schedule "A" or who wishes special rates covering some warehousing aspect, shall apply to the Commission for special rates and charges.

**Note 3:** When grain delivered to a warehouse is purchased by the warehouseman, all charges may be waived.

**Note 4:** A minimum of one hundred and twenty (120) days may be charged for any grain tendered for storage.

**Note 5:** As referenced in the Nebraska Warehouse Act, Section 88-526, R.R.S., 1994, as amended, any grain not disposed of in some manner after thirty (30) days from date of deposit, either individual loads or average date of delivery, whether open storage or receipted, shall be considered grain in storage and shall revert back to the date of deposit for computation of storage charges.

**Note 6:** RATE INCREASE – A warehouseman may increase his or her rate by a) sending notice to the Commission and to all depositors of record not less than thirty (30) days prior to such rate change and b) posting notice of such rate increase in a conspicuous place in his or her warehouse. The new rate shall be charged on all grain in storage at the time of, and all grain received after, the effective date of the rate increase, until such time as the rate is again amended.

Note 7: RATE DECREASE – A warehouseman may decrease his or her rate by a) sending notice to the Commission and b) posting notice of such rate decrease in a conspicuous place in his or her warehouse. The new rate shall be charged on all grain in storage at the time of, and all grain received after, the effective date of the rate decrease, until such time as the rate is again amended.

Note 8: Grain Bank grain is grain which has been deposited with a warehouseman to be held for the account of the depositor, to be returned to the depositor at a later date upon his or her request, processed in some form in amounts to be determined by the depositor, usually in the form of processed feed, and not intended for storage or sale to the warehouseman. If grain under this plan is returned in its original form, the regular rates apply.

Note 9: Any licensee may terminate storage contracts upon filing an application with the Commission, and upon good cause shown, according to the rules and regulations of the Commission.

Note 10: A licensee may also charge a different rate for storage on grain committed to the CCC nine-month load program. It is also permissible for a licensee to charge a prepaid minimum of nine-months storage on grain committed to the CCC nine-month program.

Any licensee who charges a different rate of storage for CCC nine-month loan grain will not be in violation of Schedule "A" Rates, even though those rates may be different from the ones he or she is charging for his or her regular class storage.

Note 11: Commission Regulation, Chapter 8, Section 004.10C, permits the transfer of grain by non-negotiable warehouse receipt pursuant to joint marketing agreements between licensed warehouseman. It is permissible to a warehouseman to waive storage charges relating to non-negotiable warehouse receipts issued to other licensed warehouses, pursuant to such agreements.