

Dustin Thompson
Corporate Counsel

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November 22, 2011

South Dakota Public Utilities Commission - Warehouse Division
Attn: Patricia VanGerpen, Executive Director
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: Request to be Heard at Commission Meeting Scheduled for December 6

Dear Ms. VanGerpen:

I am legal counsel to Syngenta Seeds, Inc., a Delaware corporation ("Syngenta"), and my office has been working with Mr. James Mehlhaff of the South Dakota Public Utilities Commission (the "Commission") to obtain a Grain Buyer's License (the "License") in South Dakota.

Mr. Mehlhaff has informed Syngenta that his office will not approve Syngenta's License application because Syngenta has not complied with the requirements of ARSD 20:10:12:14. Syngenta is a wholly-owned indirect subsidiary of Syngenta AG, a Swiss company that is publicly traded on the SIX Swiss Exchange, and the ADR's of which are traded on the New York Stock Exchange. As such, the Syngenta AG financials are audited and publicly available, but the financials of its U.S. subsidiaries are not certified by our auditor of record. Therefore, Mr. Mehlhaff has indicated that Syngenta has not met the financial statement requirements of ARSD 20:10:12:14. As an alternative to offering audited financial statements of Syngenta, Syngenta would propose that it provide a \$2,500,000 letter of credit or surety bond to fully collateralize its purchases. This would be in addition to the \$100,000 bond Syngenta has already put in place with the State of South Dakota. When combined with the publicly available financial statements of its indirect parent, Syngenta AG, we believe that this solution would not be detrimental to South Dakota grain sellers or the public interest.

For the reasons set forth above, Syngenta asks to be heard at the Commission's meeting scheduled for December 6, 2011, to request, pursuant to ARSD 20:10:12:17, a waiver of ARSD 20:10:12:14 and the issuance of the License.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "D-T", with a long horizontal line extending to the right.

Dustin Thompson
Corporate Counsel

cc: file