

S O U T H D A K O T A
GRAIN BUYER
A S S O C I A T I O N

May 10, 2013

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Ms. Patricia Van Gerpen, Executive Director
Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501-5070

Dear Ms. Van Gerpen:

We, the undersigned, all licensed grain buyers in the state of South Dakota, hereby request a waiver be granted as the certain provision of ARSD 20:10:12:13(9) as follows:

The portion of the law

“...both the Seller and...”

be deleted so there will be a waiver of requiring both the Seller and the Buyer to sign and date their signatures only waiving the requirement for both and allowing to be signed solely by Buyer.

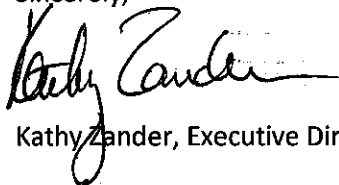
We request the waiver of this provision for the reasons set forth in the accompanying letter sent to Judge Portra by the grain buyers as it will cause confusion and unintended negative consequences for grain buyers and sellers if is not waived immediately. Such a waiver would not be detrimental to grain sellers and is in the public interest.

We furthermore request an amendment to ARSD 20:10:12:13 by adding a new subsection 10 to include as follows:

With respect to the sale of any grains, grain sorghums, beans and oil seeds under the this provision, if within a reasonable time a writing in confirmation of the contract and sufficient against the sender is received and the party receiving the writing in confirmation has reason to know its contents, the writing in confirmation satisfies the requirements of Subsection (9) of this section against the party unless written notice of objection to its contents is given within two (2) days after the writing in confirmation is received.

Please feel free to contact me with any questions you may have and I look forward to your response.

Sincerely,



Kathy Zander, Executive Director