

**Crockford, Konrad S.**

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**Subject:** Filing Accepted for Case: 35-2018-CV-00088; Public Service Commission vs. Hunter Hanson d/b/a NoDak Grain, et al.; Envelope Number: 3608004



**North Dakota  
Court System**

## Filing Accepted

Envelope Number: 3608004  
Case Number: 35-2018-CV-00088  
Case Style: Public Service Commission vs.  
Hunter Hanson d/b/a NoDak Grain, et al.

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Filing Details	
<b>Court</b>	Pierce County - Northeast District
<b>Case Number</b>	35-2018-CV-00088
<b>Case Style</b>	Public Service Commission vs. Hunter Hanson d/b/a NoDak Grain, et al.
<b>Date/Time Submitted</b>	11/1/2019 9:03 AM CST
<b>Date/Time Accepted</b>	11/1/2019 9:55 AM CST
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<b>Filing Description</b>	1 - David Anfinson
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<b>Filing Attorney</b>	Mitchell Armstrong

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<b>Claimant Name &amp; Address</b>	March 1, 2019
Anfinson, David Lee	no written demand made
1814 15th Ave. W	
Williston, ND 58801	
701-572-6497	
<a href="mailto:david.anfinson@hotmail.com">david.anfinson@hotmail.com</a>	

Date Claim Filed	March 1, 2019
Date Payment Demand Made	no written demand made

PSC Calculated value total	\$ 256,106.51
Less other payments	

\$ 256,106.51 **Total cash claim**

	Settlement #	Date	date	Date	date
ECGM Trade Confirmation #	9	9/17/2018	178	8/30/2018	na
Seller Contract #	21323	5/25/2018	21323	5/25/2018	21131
Midwest Contract #	na		na		na
	187279	5/25/2018	187279	5/25/2018	na
Claim applied against:					
Commodity	Cash	Cash	Cash	Cash	Cash
Contracted Price Per Bushel	\$ 6.55	\$ 6.55	\$ 6.55	\$ 6.55	\$ 6.90
Contracted Bushels	30,000.00	30,000.00	30,000.00	30,000.00	24,000.00
Delivered bushels*	16,198.40	12,676.76	1,069.85	1,069.85	8,991.77
Gross Amount Due*	\$ 106,099.52	\$ 82,025.88	\$ 7,007.52	\$ 7,007.52	\$ 62,043.22
Less Total Fees & assessments*	\$ 243.00	\$ 190.15	\$ 16.05	\$ 16.05	\$ 620.43
PSC calculated value*	\$ 105,856.52	\$ 81,835.73	\$ 6,991.47	\$ 6,991.47	\$ 61,422.79
Estimated Value per Midwest	\$ 105,893.55	\$ 89,627.62			
Claimant calculated claim		\$195,521.17			\$ 59,839.45



**Comments:**

1. Claimant received check #1052 from NoDak Grain for \$195,521.17 for Durum that had been delivered.
  - a. Check was unable to be deposited due to Not Sufficient Funds (NSF)
2. Explanation of difference in calculated value for the Durum on NoDak Estimate #9 / ECGM Trade Confirmation #21323:
  - a. NoDak estimate has several scale tickets with a discounted price. Based on the scale tickets and other documentation there is no reasonable explanation for any discounts to be taken.
  - b. Checkoff amount incorrectly calculated on the Estimate.
  - c. NoDak scale ticket #093 / Osnabrock scale ticket #64562:
    - i. NoDak Estimate lists the amount of bushels delivered based on the NoDak scale ticket. However, based on documentation found in the trucking files on invoice # 3348 from Neumiller Harvesting, that scale ticket represents an estimate of bushels since no grain was actually unloaded at NoDak Grain – Rohrville. Per a phone conversation Mike McNamee had with the truck driver who hauled this load, he arrived at the NoDak Grain – Rohrville elevator but due to unspecified reasons he could not dump the load there and instead delivered the load to Osnabrock Farmers Coop Elevator – Osnabrock.
    - ii. The PSC calculations reflect the weights and grades of the grain based on the Osnabrock scale ticket rather than the NoDak scale ticket that should have been voided due to no grain being dumped.
3. Explanation of difference in calculated value for the Durum on Midwest Estimate #178 / ECGM Trade Confirmation #21323:
  - a. NoDak estimate has several scale tickets with discounted dollar values for some unknown reason.
  - b. Checkoff amount incorrectly calculated on Estimate.
  - c. Premiums/Discounts were not accounted for in the Estimate.
    - i. The Trade Confirmation indicates that the destination discount schedule is to be used. The PSC’s calculations reflect the discounts applied to each scale ticket based on the respective destination settlement reports that list the discounts applied to each scale ticket.
4. Additional Durum loads not accounted for in either estimate, but were applied to ECGM Trade confirmation #21323 in the PSC’s calculations.
  - a. Scale Ticket #64608 (Osnabrock FC – Osnabrock)
    - i. This scale ticket was not included in either Estimate #9 or #178 however based on the Freight Invoice #3348 from Neumiller Harvesting to Midwest Grain Trading this load belongs to the claimant and was not accounted for by NoDak/Midwest. This load is included in the PSC’s claim calculations.
  - b. Scale ticket #64592 was included on Estimate #178 however was not included in the PSC’s claim calculations
    - i. Based on the BOL, Osnabrock settlement sheet, and truck invoices there was no supporting evidence that this load of grain belonged to the claimant. The documents support that it was a load delivered from NoDak Grain – Rohrville to Osnabrock FC – Osnabrock instead.

5. Explanation of difference in calculated value for the Yellow Peas:
  - a. Claimant did not use the correct amount of net bushels delivered.
  - b. Claimant did not account for the checkoff fee that would have been deducted prior to final settlement.
6. Explanation of how NET bushels were calculated for Yellow Peas. Per ECGM Trade Confirmation #21131, all splits were to be paid at full price however all destination scale tickets did not calculate NET bushels using the full amount of splits.
  - a. For all loads delivered to AGT – Minot:
    - i. The AGT – Minot scale tickets have two separate forms of dockage identified in the “Dockage %” portion of the scale ticket.
      1. Per the phone conversation Mike McNamee had with AGT staff the they are broken down as follows:
        - a. “dk” is actual dockage material.
        - b. “fd” is what AGT calls feed grain.
      2. Based on the conversation Mike had with AGT the grain identified as “fd” would be considered splits for the purposes of calculating the NET bushels delivered by the claimant based on the trade confirmation.
    - ii. PSC staff used the Gross pounds (unload weight on the scale ticket), multiplied that by the dockage percent for actual dockage (“dk” on scale ticket) and subtracted that amount from the gross pounds to get the NET pounds of grain delivered. The NET pounds of grain delivered was then divided by 60 (Yellow Pea standard test weight (TW) = 60lbs per bushel) to arrive at the NET bushels delivered.
      1.  $\text{NET lbs.} = (\text{Gross lbs.}) - ((\text{Gross lbs.}) * (\text{dockage “dk” percentage}))$
      2.  $\text{NET bu.} = (\text{NET lbs.}) / 60$
  - b. For the load delivered to Dakota Dry Bean
    - i. Scale ticket uses hundred weight (CWT) as the unit of measure instead of bushels (bu).
      1. For hundred weight (CWT) it is 100 pounds (lbs.) per one CWT.
      2. For yellow peas it is a standard 60 pounds (lbs.) per bushel.
        - a. Yellow Pea standard test weight is 60 lbs.
    - ii. Dakota Dry Bean scale tickets show the amount of splits in CWT deducted from the gross CWT.
    - iii. PSC calculated net bushels from the destination scale ticket information in the following manner:
      1.  $\text{Net bu.} = (100 * ((\text{destination net CWT}) + (\text{destination splits CWT}))) / 60$ 
        - a.  $\text{Net bu.} = ((\text{NET CWT}) + (\text{splits CWT})) / 0.6$  is the shortened equation.
      2. The NET bushel calculation was rounded to two decimal places.

Summary table of how value of each load of durum calculated:

Destination Information - inbound				Pricing						Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Total Prem. & Disc. per bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
NoDak - Rohrville	18	9/7/2018	1,131.59	\$ 6.55	\$ -	\$ 6.55	\$ 7,411.91	\$ 16.97	\$ 7,394.94	9	21323	na	187279
NoDak - Rohrville	17	9/7/2018	1,287.69	\$ 6.55	\$ -	\$ 6.55	\$ 8,434.37	\$ 19.32	\$ 8,415.05	9	21323	na	187279
NoDak - Rohrville	9	9/6/2018	1,127.82	\$ 6.55	\$ -	\$ 6.55	\$ 7,387.22	\$ 16.92	\$ 7,370.30	9	21323	na	187279
NoDak - Rohrville	5	9/5/2018	1,164.00	\$ 6.55	\$ -	\$ 6.55	\$ 7,624.20	\$ 17.46	\$ 7,606.74	9	21323	na	187279
NoDak - Rohrville	43	9/11/2018	1,193.94	\$ 6.55	\$ -	\$ 6.55	\$ 7,820.31	\$ 17.91	\$ 7,802.40	9	21323	na	187279
NoDak - Rohrville	60	9/12/2018	1,170.58	\$ 6.55	\$ -	\$ 6.55	\$ 7,667.30	\$ 17.56	\$ 7,649.74	9	21323	na	187279
NoDak - Rohrville	63	9/12/2018	1,139.00	\$ 6.55	\$ -	\$ 6.55	\$ 7,460.45	\$ 17.09	\$ 7,443.36	9	21323	na	187279
NoDak - Rohrville	73	9/13/2018	1,161.04	\$ 6.55	\$ -	\$ 6.55	\$ 7,604.81	\$ 17.42	\$ 7,587.39	9	21323	na	187279
NoDak - Rohrville	72	9/13/2018	1,144.59	\$ 6.55	\$ -	\$ 6.55	\$ 7,497.06	\$ 17.17	\$ 7,479.89	9	21323	na	187279
NoDak - Rohrville	100	9/19/2018	1,185.71	\$ 6.55	\$ -	\$ 6.55	\$ 7,766.40	\$ 17.79	\$ 7,748.61	9	21323	na	187279
NoDak - Rohrville	101	9/19/2018	1,114.98	\$ 6.55	\$ -	\$ 6.55	\$ 7,303.12	\$ 16.72	\$ 7,286.40	9	21323	na	187279
NoDak - Rohrville	106	9/20/2018	1,095.90	\$ 6.55	\$ -	\$ 6.55	\$ 7,178.15	\$ 16.44	\$ 7,161.71	9	21323	na	187279
Osnabrock FC - Osnabrock	64562	9/18/2018	1,149.15	\$ 6.55	\$ -	\$ 6.55	\$ 7,526.93	\$ 17.24	\$ 7,509.69	9	21323	na	187279
NoDak - Rohrville	97	9/18/2018	1,132.41	\$ 6.55	\$ -	\$ 6.55	\$ 7,417.29	\$ 16.99	\$ 7,400.30	9	21323	na	187279
Osnabrock FC - Osnabrock	64608	9/20/2018	1,069.85	\$ 6.55	\$ -	\$ 6.55	\$ 7,007.52	\$ 16.05	\$ 6,991.47	na	21323	na	187279
Osnabrock FC - Osnabrock	64693	9/27/2018	1,152.58	\$ 6.55	\$ (0.10)	\$ 6.45	\$ 7,434.14	\$ 17.29	\$ 7,416.85	178	21323	na	187279
Dakota Growers	24628	8/24/2018	1,067.96	\$ 6.55	\$ -	\$ 6.55	\$ 6,995.14	\$ 16.02	\$ 6,979.12	178	21323	na	187279
Dakota Growers	24611	8/23/2018	1,041.44	\$ 6.55	\$ -	\$ 6.55	\$ 6,821.43	\$ 15.62	\$ 6,805.81	178	21323	na	187279
Dakota Growers	24592	8/22/2018	1,017.58	\$ 6.55	\$ -	\$ 6.55	\$ 6,665.15	\$ 15.26	\$ 6,649.89	178	21323	na	187279
Dakota Growers	24613	8/23/2018	1,199.27	\$ 6.55	\$ -	\$ 6.55	\$ 7,855.22	\$ 17.99	\$ 7,837.23	178	21323	na	187279
Dakota Growers	24630	8/24/2018	1,154.53	\$ 6.55	\$ -	\$ 6.55	\$ 7,562.17	\$ 17.32	\$ 7,544.85	178	21323	na	187279
Dakota Growers	24600	8/22/2018	1,223.32	\$ 6.55	\$ -	\$ 6.55	\$ 8,012.75	\$ 18.35	\$ 7,994.40	178	21323	na	187279
Dakota Growers	24683	9/5/2018	1,225.08	\$ 6.55	\$ (0.10)	\$ 6.45	\$ 7,901.77	\$ 18.38	\$ 7,883.39	178	21323	na	187279
Dakota Growers	24748	9/12/2018	1,179.64	\$ 6.55	\$ (0.20)	\$ 6.35	\$ 7,490.71	\$ 17.69	\$ 7,473.02	178	21323	na	187279
Dakota Growers	24728	9/11/2018	1,178.41	\$ 6.55	\$ (0.40)	\$ 6.15	\$ 7,247.22	\$ 17.68	\$ 7,229.54	178	21323	na	187279
Dakota Growers	24696	9/6/2018	1,236.95	\$ 6.55	\$ (0.05)	\$ 6.50	\$ 8,040.18	\$ 18.55	\$ 8,021.63	178	21323	na	187279
Osnabrock FC - Osnabrock	64592	9/19/2018	1,025.67	\$ 6.55	\$ (0.05)	\$ 6.50	\$ 8,040.18	\$ 18.55	\$ 8,021.63	178	Not included in claim	na	187279

Summary table of how net price for durum calculated:

Destination Information - inbound				Pricing				Scale ticket Grade Factors						Contracts					
Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Total Prem. & Disc. per bu	Durum discounts			Net Price per Bu	TW	MST	Dmg	HVAC	Protein	FM/Dock	Estimate #	ECGM #	Seller Contract	Midwest Contract
						Pro	HVAC	Bugs											
NoDak - Rohnville	18	9/7/2018	1,131.59	\$ 6.55	\$ -				\$ 6.55	62.4	12.7			12.8	1.2	9	21323	na	187279
NoDak - Rohnville	17	9/7/2018	1,287.69	\$ 6.55	\$ -				\$ 6.55	62.4	12.7			12.8	1.2	9	21323	na	187279
NoDak - Rohnville	9	9/6/2018	1,127.82	\$ 6.55	\$ -				\$ 6.55	62.4	12.4			13.3	1.3	9	21323	na	187279
NoDak - Rohnville	5	9/5/2018	1,164.00	\$ 6.55	\$ -				\$ 6.55	62.4	12.1			13.6	1.0	9	21323	na	187279
NoDak - Rohnville	43	9/11/2018	1,193.94	\$ 6.55	\$ -				\$ 6.55	62.7	13.2			12.7	1.3	9	21323	na	187279
NoDak - Rohnville	60	9/12/2018	1,170.58	\$ 6.55	\$ -				\$ 6.55	62.4	13.4			12.7	1.3	9	21323	na	187279
NoDak - Rohnville	63	9/12/2018	1,139.00	\$ 6.55	\$ -				\$ 6.55	62.7	13.1			13.0	1.3	9	21323	na	187279
NoDak - Rohnville	73	9/13/2018	1,161.04	\$ 6.55	\$ -				\$ 6.55	62.8	13.1			12.8	1.3	9	21323	na	187279
NoDak - Rohnville	72	9/13/2018	1,144.59	\$ 6.55	\$ -				\$ 6.55	62.6	13.2			12.8	1.3	9	21323	na	187279
NoDak - Rohnville	100	9/19/2018	1,185.71	\$ 6.55	\$ -				\$ 6.55	61.3	11.0			13.5	1.3	9	21323	na	187279
NoDak - Rohnville	101	9/19/2018	1,114.98	\$ 6.55	\$ -				\$ 6.55	61.0	11.1			13.4	1.3	9	21323	na	187279
NoDak - Rohnville	106	9/20/2018	1,095.90	\$ 6.55	\$ -				\$ 6.55	60.0	11.0			13.7	1.3	9	21323	na	187279
Osnabrock FC - Osnabrock	64562	9/18/2018	1,149.15	\$ 6.55	\$ -				\$ 6.55	61.7	11.8			12.8	2.2	9	21323	na	187279
NoDak - Rohnville	97	9/18/2018	1,132.41	\$ 6.55	\$ -				\$ 6.55	62.7	13.0			13.2	1.3	9	21323	na	187279
Osnabrock FC - Osnabrock	64608	9/20/2018	1,069.85	\$ 6.55	\$ -				\$ 6.55	61.0	11.5			13.5	2.8	na	21323	na	187279
Osnabrock FC - Osnabrock	64693	9/27/2018	1,152.58	\$ 6.55	\$ (0.10)				\$ 6.45	60.8	12.0			13.6	2.9	178	21323	na	187279
Dakota Growers	24628	8/24/2018	1,067.96	\$ 6.55	\$ -				\$ 6.55	61.6	10.9	0.4	88	14.3	0.5	178	21323	na	187279
Dakota Growers	24611	8/23/2018	1,041.44	\$ 6.55	\$ -				\$ 6.55	62.3	10.4	0.5	87	14.0	0.5	178	21323	na	187279
Dakota Growers	24592	8/22/2018	1,017.58	\$ 6.55	\$ -				\$ 6.55	62.6	10.5	0.8	86	14.0	0.4	178	21323	na	187279
Dakota Growers	24613	8/23/2018	1,199.27	\$ 6.55	\$ -				\$ 6.55	62.0	11.3	0.4	89	14.1	0.2	178	21323	na	187279
Dakota Growers	24630	8/24/2018	1,154.53	\$ 6.55	\$ -				\$ 6.55	62.2	11.6	0.4	85	14.0	0.5	178	21323	na	187279
Dakota Growers	24600	8/22/2018	1,223.32	\$ 6.55	\$ -				\$ 6.55	62.5	10.3	0.3	87	14.1	0.3	178	21323	na	187279
Dakota Growers	24683	9/5/2018	1,225.08	\$ 6.55	\$ (0.10)				\$ 6.45	62.9	12.5	0.3	85	12.8	0.4	178	21323	na	187279
Dakota Growers	24748	9/12/2018	1,179.64	\$ 6.55	\$ (0.20)				\$ 6.35	63.1	12.7	0.8	86	12.6	0.2	178	21323	na	187279
Dakota Growers	24728	9/11/2018	1,178.41	\$ 6.55	\$ (0.40)				\$ 6.15	62.9	12.7	0.5	81	12.6	0.5	178	21323	na	187279
Dakota Growers	24696	9/6/2018	1,236.95	\$ 6.55	\$ (0.05)				\$ 6.50	62.8	12.3	0.3	85	12.9	0.3	178	21323	na	187279
Osnabrock FC - Osnabrock	64592	9/19/2018	1,025.67	\$ 6.55	\$ (0.05)				\$ 6.50	62.8	12.3	0.3	85	12.9	0.3	178	21323	na	187279
																		Not included in claim	

Summary table of how value of each load of yellow peas calculated:

Destination Information - inbound				Pricing				Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
AGT Foods - Minot	18771	10/10/2018	1,137.99	\$6.90	\$ 7,852.13	\$ 78.52	\$ 7,773.61	na	21131	na	na
AGT Foods - Minot	18797	10/11/2018	1,148.43	\$6.90	\$ 7,924.17	\$ 79.24	\$ 7,844.93	na	21131	na	na
AGT Foods - Minot	18798	10/11/2018	1,126.34	\$6.90	\$ 7,771.75	\$ 77.72	\$ 7,694.03	na	21131	na	na
AGT Foods - Minot	18882	10/17/2018	1,099.19	\$6.90	\$ 7,584.41	\$ 75.84	\$ 7,508.57	na	21131	na	na
AGT Foods - Minot	18910	10/18/2018	1,112.21	\$6.90	\$ 7,674.25	\$ 76.74	\$ 7,597.51	na	21131	na	na
AGT Foods - Minot	18937	10/22/2018	1,121.43	\$6.90	\$ 7,737.87	\$ 77.38	\$ 7,660.49	na	21131	na	na
AGT Foods - Minot	19106	11/7/2018	1,101.11	\$6.90	\$ 7,597.66	\$ 75.98	\$ 7,521.68	na	21131	na	na
Dakota Dry Bean - Cray	CRA10011834	10/19/2018	1,145.07	\$6.90	\$ 7,900.98	\$ 79.01	\$ 7,821.97	na	21131	na	na

Summary table of how net bushels of yellow peas calculated:

Destination Information - inbound				How NET Bu of Y. Peas Calculated(AGT)				Scale ticket Grade Factors				Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Lbs (peas + splits)	FM lbs (FM% * G.lbs.)	Gross Lbs (unload weight)	MST	Drng Splits	FM/ Dock	Estimate #	ECGM #	Seller Contract	Midwest Contract		
AGT Foods - Minot	18771	10/10/2018	1,137.99	68,279.18	1,180.82	69,460	12.33	1.8	1.70	na	21131	na	na		
AGT Foods - Minot	18797	10/11/2018	1,148.43	68,905.60	1,694.40	70,600	12.29	2.2	2.40	na	21131	na	na		
AGT Foods - Minot	18798	10/11/2018	1,126.34	67,580.44	959.56	68,540	12.03	2.4	1.40	na	21131	na	na		
AGT Foods - Minot	18882	10/17/2018	1,099.19	65,951.12	1,208.88	67,160	12.28	1.3	1.80	na	21131	na	na		
AGT Foods - Minot	18910	10/18/2018	1,112.21	66,732.48	947.52	67,680	12.28	1.4	1.40	na	21131	na	na		
AGT Foods - Minot	18937	10/22/2018	1,121.43	67,285.92	1,094.08	68,380	12.00	1.7	1.60	na	21131	na	na		
AGT Foods - Minot	19106	11/7/2018	1,101.11	66,066.70	1,833.30	67,900	12.00	4.3	2.70	na	21131	na	na		
Dakota Dry Bean - Cray	CRA10011834	10/19/2018	1,145.07	na	na	na	12.00	1.29	0.62	0.59	na	21131	na		