

**Crockford, Konrad S.**

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**From:** efilmingmail@tylerhost.net  
**Sent:** Friday, November 01, 2019 09:57  
**To:** Tiffany Knopik  
**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.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

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
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	2 - Berthold Farmers Elevator
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Mitchell Armstrong
<b>Filing Attorney</b>	Mitchell Armstrong

Document Details	
<b>Lead Document</b>	Exhibit 2 to Aff of AJS.pdf
<b>Lead Document Page Count</b>	3
<b>File Stamped Copy</b>	<a href="https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=c122d5de-18e1-4c94-814c-ce6580ba1f5e">View Stamped Document</a>
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For technical assistance, contact your service provider or  
North Dakota Court's Information Technology Department 701-328-4218  
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Claimant Name & Address	
Berthold Farmers Elevator	
#1 Main St. South	
Bethold, ND 58718	
Contact:	
Dan Mostad	
701-453-3431	
dmostad@bertholdfarmers.com	

Date Claim Filed	November 20, 2018
Date Payment Demand Made	October 15, 2018
Invoice 20181012 due date	November 11, 2018

PSC Calculated value total	\$ 27,790.92
Less other payments	

\$ 27,790.92 **Total cash claim**

	Settlement #	Date	date	Date	date
ECGM Trade Confirmation #	NA	NA			
Seller Contract #	21483	6/27/2018			
Midwest Contract #	NA	NA			
	NA	NA			
Claim applied against:		Cash			
Commodity		#2 Yellow Peas			
Contracted Price Per Bushel	\$	6.90			
Contracted Bushels		10,000.00			
Delivered bushels*		4,027.67	-		-
Gross Amount Due*	\$	27,790.92	\$	-	\$ -
Less Total Fees & assessments*	\$	-	\$	-	\$ -
PSC calculated value*	\$	27,790.92	\$	-	\$ -
Estimated Value per Midwest					
Claimant calculated claim	\$	28,540.75			



**Comments:**

1. Summary:
  - a. Claim was received by the PSC on 11-20-18.
    - i. Claim documents included an email and invoice that was sent to Midwest in demand for payment
      1. Email was sent 10-15-18
      2. Invoice #20181012 (included in the email) was dated 10-12-18 with NET 30 payment terms.
    - ii. Other documents included an explanation of the claim, ECGM trade confirmation #21483 and origin scale tickets and BOL's
    - iii. Claim was for four loads of yellow peas totaling 4,136.34 bushels priced at \$6.90 for a total of \$28,540.75
    - iv. Claimant also included \$7,036.65 as part of the claim for the loss in value due to contract unfulfillment.
    - v. Total claim of \$35,577.40
  - b. Differences in Claim Calculations explained:
    - a. For the loss in value due to unfulfilled portions of ECGM trade confirmation #21483 the PSC recommends this portion of the claim be denied.
    - b. Differences in calculations for grain delivered:
      - i. Claimant used the gross bushel amounts from the origin scale tickets while the PSC calculations reflect using weights and grades from the destination scale tickets per the agreement.
      - ii. For the loads delivered to Dakota Dry Bean:
        1. Scale ticket uses hundred weight (CWT) as the unit of measure instead of bushels (bu).
          - a. For hundred weight (CWT) it is 100 pounds (lbs.) per one CWT.
          - b. For yellow peas it is a standard 60 pounds (lbs.) per bushel.
            - i. Yellow Pea standard test weight is 60 lbs.
        2. Dakota Dry Bean scale tickets show the amount of splits in CWT deducted from the gross CWT.
        3. PSC calculated net bushels from the destination scale ticket information in the follow manner:
          - a.  $\text{Net bu.} = (100 * ((\text{destination net CWT}) + (\text{destination splits CWT}))) / 60$
          - i.  $\text{Net bu.} = ((\text{NET CWT}) + (\text{Splits CWT})) / 0.6$  is the shortened equation.
        - b. The NET bushel calculation was rounded to two decimal places.

Summary table of how value of each load calculated:

Origin scale ticket - outbound		BOL Information			Destination information - inbound				Pricing			Contracts			
Scale Ticket #	Origin	BOL Date	BOL #	Bushels	Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract	
215086	Berthold F.E.	10/1/2018	65797	997.33	Dakota Dry Bean - Crary	CRA001001647	10/1/2018	975.65	\$ 6.90	\$ 6,731.99	NA	21483	NA	NA	
215088	Berthold F.E.	10/2/2018	65799	1,046.67	Dakota Dry Bean - Crary	CRA001001674	10/2/2018	1,015.78	\$ 6.90	\$ 7,008.88	NA	21483	NA	NA	
215093	Berthold F.E.	10/3/2018	65804	1,029.67	Dakota Dry Bean - Crary	CRA001001684	10/3/2018	1,002.47	\$ 6.90	\$ 6,917.04	NA	21483	NA	NA	
215094	Berthold F.E.	10/3/2018	65805	1,062.67	Dakota Dry Bean - Crary	CRA001001715	10/8/2018	1,033.77	\$ 6.90	\$ 7,133.01	NA	21483	NA	NA	

Summary table of how net bushels calculated:

Destination Information - inbound				calculation of net Bu from CWT				Scale ticket Grade Factors				Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Bu (Net contract CWT/0.6)	Net CWT per contract	splits CWT	DDB Net CWT	MST	dmg	Splits	FM	Estimate #	ECGM #	Seller Contract	Midwest Contract
Dakota Dry Bean - Crary	CRA001001647	10/1/2018	975.65	975.65	585.39	3.49	581.90	12.80	0.48	1.17	1.53	NA	21483	NA	NA
Dakota Dry Bean - Crary	CRA001001674	10/2/2018	1,015.78	1,015.78	609.47	12.14	597.33	12.60	0.85	3.87	2.04	NA	21483	NA	NA
Dakota Dry Bean - Crary	CRA001001684	10/3/2018	1,002.47	1,002.47	601.48	8.62	592.86	12.50	0.78	2.79	1.83	NA	21483	NA	NA
Dakota Dry Bean - Crary	CRA001001715	10/8/2018	1,033.77	1,033.77	620.26	12.09	608.17	12.40	0.60	3.79	2.18	NA	21483	NA	NA