

**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>	3 - Bridge Agri Partners
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Mitchell Armstrong
<b>Filing Attorney</b>	Mitchell Armstrong

Document Details	
<b>Lead Document</b>	Exhibit 3 to Aff of AJS.pdf
<b>Lead Document Page Count</b>	4
<b>File Stamped Copy</b>	<a href="https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=28a07899-eeff-4ed3-a093-57a0fcd7bf4d">View Stamped Document</a>
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North Dakota Court's Information Technology Department 701-328-4218  
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<b>Claimant Name &amp; Address</b>
Bridge Agri Partners PO Box 29010 Highlands Lethbridge, AB T1J4X0
<b>Contact:</b> Christine Maberley 403-942-1200 christine@bridgeagripartners.com

<b>Date Claim Filed</b>	December 6, 2018
<b>Date Payment Demand Made</b>	Multiple emails with invoices, however contract terms were net 30. Due around 11-21-18.
PSC Calculated value total	\$ 33,133.82
Less other payments	
<b>Total cash claim \$ 33,133.82</b>	

Settlement #	na	Date	date	Date
ECGM Trade Confirmation #	21497	6/28/2018		
Seller Contract #	801230	6/28/2018		
Midwest Contract	na			
Claim applied against:	Cash			
Commodity	Yellow Peas			
Contracted Price Per Bushel	\$	7.15		
Contracted Bushels		5,000.00		
Delivered bushels*		4,634.10		
Gross Amount Due*	\$	33,133.82	\$	\$
Less Total Fees & assessments*	\$	-	\$	\$
PSC calculated value*	\$	33,133.82	\$	\$
<b>Estimated Value per Midwest</b>				
<b>Claimant calculated claim</b>	\$	33,049.57		



**Comments:**

**1. Summary:**

- a. PSC received a grain complaint from Bridge Agri Partners on 12-6-18 and later a claim form along with the same documents included in the complaint on March 1, 2019.
  - i. Included were four invoices for grain delivered to Midwest, corresponding NoDak scale tickets and BOL's
- b. PSC staff had requested copies of the trade confirmations between Bridge Ag and Midwest
  - i. ECGM Trade Confirmations numbered 21496, 21497, 21498 were all for 5,000 bu. of yellow peas.
  - ii. They were all identical terms etc.
- c. Claimant created contract #800780 for 15,000 of yellow peas for reference on their record keeping system for all three contracts.

**2. Differences in claim calculations explained:**

- a. Claimant used \$7.10/bu. instead of the contracted "price paid to seller" of \$7.15/bu. per the trade confirmation (21497)
- b. Claimant did not accurately account for the bushel deduction for shrink
  - i. Per the trade confirmation (21497) there was a discount of 1% shrink for each % above 13.5% moisture (up to 16%)
  - ii. For scale tickets 1299, 1302 the claimant did not use the appropriate shrink percentage, listed on their invoices, #181407 and #181516 respectively.
- c. The claimant's invoices also vary from the PSC's calculations due to rounding differences.
  - i. The scale tickets did not list a bushel deduction due to shrink that was to be deducted, per the trade confirmation (21497)
  - ii. The PSC calculated net bushels in a similar manner as the NoDak scale tickets show.
    - 1. PSC used the gross bushels from the scale ticket to calculate deduction, reflecting how the scale ticket calculations were done.
      - a. Deducted the dockage bushels, as listed on the scale tickets.
      - b. Deducted the shrink bushels, calculated by multiplying the percent of moisture above 13.5 by the gross bushels (rounded to the hundredths place, in the same manner as the dockage deduction)
      - c. Net Bushels = (Gross bu.) – (dockage bu.) – (shrink bu.)

**3. Based on the Midwest records it initially appeared as though four scale tickets (1037, 1027, 1040, 1052) had been paid for twice by Midwest.**

- a. Midwest Estimate #158 was printed in two different versions, one the documents collected from Swenseth Law Office on 2-20-19 and the other in the BCI documents received 4-26-19.
  - i. The two copies each listed five scale tickets, four of which were duplicated (listed above)
  - ii. The two outlying scale tickets were #1033 and #1014
    1. #1033 the PSC does have a copy of that was included amongst the claim documents, for the claimant.
    2. #1014 the PSC did not find a copy of the scale ticket in any relevant record files.
      - a. The net bushels matched exactly to scale ticket #014, which had already been successfully paid for and the PSC does have a copy.
  - iii. Both copies of the Estimate had different notes for payment.
  - iv. Based on the Midwest bank records and additional records received from the claimant there was no doubling up on payments for grain.

**4. Note** – Based on the Midwest Bank records (statement ending date 8-31-2018) the payment for grain was made twice in error in the amount of \$32,450.62 on 8-20 and 8-22-18. There was a credit to the bank account on 8-20-18 for the same amount listed as “HUNTER BRIAN HANSON Incoming Wire 30257195. Based on the bank records received from the claimant only one occurrence of this payment was received.

Summary table of how value of each load calculated:

Bridge Ag Invoice info		BOL Information		Destination Information - inbound			Pricing		Contracts					
Invoice #	Net Bushels	Origin	BOL Date	BOL #	Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	NET Amount Due	Estimate #	ECGM Trade	Seller Contract	Midwest Contract
181407	1,169.6833	Bridge Agri Partners	10/11/2018	MRE1886	NoDak Grain - Tunbridge	1299	10/12/2018	1,166.98	\$ 7.15	\$ 8,343.91	na	21497	801230	na
181408	1,141.0500	Bridge Agri Partners	10/2/2018	MYRK1620	NoDak Grain - Tunbridge	1300	10/12/2018	1,140.72	\$ 7.15	\$ 8,156.15	na	21497	801230	na
181516	1,132.1167	Bridge Agri Partners	10/15/2018	MRE1895	NoDak Grain - Tunbridge	1302	10/15/2018	1,114.36	\$ 7.15	\$ 7,967.67	na	21497	801230	na
181604	1,212.0333	Bridge Agri Partners	10/21/2018	MYRK1619	NoDak Grain - Tunbridge	1312	10/22/2018	1,212.04	\$ 7.15	\$ 8,666.09	na	21497	801230	na

Summary table of how net bushels calculated:

Destination Information - inbound				How Net Bu. Calculated				Pricing			Scale ticket Grade Factors				Contracts		
Elevator	Scale Ticket #	Delivery Date	Net Bu	PSC Net Bu	Shrink Bu. M>13.5	Dock Bu.	Gross Bu.	Net Price per Bu	NET Amount Due	TW	MST	Dock	Estimate #	ECGM Trade	Seller Contract	Midwest Contract	
NoDak Grain - Tunbridge	1299	10/12/2018	1,166.98	1,166.98	2.38	22.64	1,192	\$ 7.15	\$ 8,343.91	62.9	13.7	1.9	na	21497	801230	na	
NoDak Grain - Tunbridge	1300	10/12/2018	1,140.72	1,140.72	12.94	22.34	1,176	\$ 7.15	\$ 8,156.15	61.2	14.6	1.9	na	21497	801230	na	
NoDak Grain - Tunbridge	1302	10/15/2018	1,114.36	1,114.36	24.4	23.24	1,162	\$ 7.15	\$ 7,967.67	60.3	15.6	2.0	na	21497	801230	na	
NoDak Grain - Tunbridge	1312	10/22/2018	1,212.04	1,212.04	0	15.96	1,228	\$ 7.15	\$ 8,666.09	59.5	12.8	1.3	na	21497	801230	na	