

Crockford, Konrad S.

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

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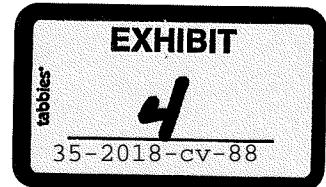
Claimant Name & Address
 CHS Inc. d/b/a CHS Garrison
 PO Box 97 112 Railroad ST.
 Garrison, ND 58540
 Phone 701-463-2251
 Email: chris.gratten@chsinc.com
 Attorney: Turman & Lang Ltd.
 Katrina A. Turman Lang
 Phone: 701-293-5592

Date Claim Filed	March 18, 2019
Date Payment Demand Made	None

PSC Calculated value total	\$	323,393.10
Payment for scale ticket #T025275	\$	(7,643.58)
Payment for scale ticket #T025175	\$	(7,437.69)

\$ 308,311.83 Total cash claim

Settlement #	7	Date	8/28/2018	na	date	Missing	Date	date
ECGM Trade Confirmation #	21400	6/12/2018	21400	6/12/2018	21400	21400		
Seller Contract #	na		na		Scale			
Midwest Contract #	na		na		Ticket			
Claim applied against:		Cash		Cash		Cash		
Commodity		Durum		Durum		Durum		
Contracted Price Per Bushel	\$	6.65	\$	6.65	\$	6.65	\$	6.65
Contracted Bushels		130,000		130,000		130,000.00		
Delivered bushels*		26,242.70		21,729.56		1,013.32		-
Gross Amount Due*	\$	173,556.34	\$	143,128.58	\$	6,708.18	\$	-
Less Total Fees & assessments*	\$	-	\$	-	\$	-	\$	-
Estimated Value per Midwest	\$	173,556.34	\$	143,128.58	\$	6,708.18	\$	-
Claimant calculated claim	\$	169,095.75	\$	325,852.06	\$		\$	



Comments:

1. Summary
 - a. Claimant included in their official claim documents received March 18, 2019:
 - i. ECGM Trade Confirmation #21400
 - ii. A computer-generated list of all the loads delivered to Midwest Grain Trading but remain unpaid.
 - iii. A spreadsheet breaking down how the total claim values were calculated.
 1. 49,000.31 bushels of durum that was delivered, priced at 6.65/bu for \$325,852.06 in value.
 2. \$33,330.87 in total freight charges that Midwest owes the claimant.
 3. \$150,357.40 for the loss in value for the undelivered portion of the contract (21400)
 - iv. BOL's for the loads of grain listed in the spreadsheet with most of the corresponding destination scale tickets.
 2. Differences in claim calculations for the durum delivered against ECGM Trade Confirmation #21400 explained:
 - a. PSC calculations reflect using the net bushels based on the destination scale ticket weights and grades, while the claimant's calculations mostly reflect using the same net bushels there are several instances that the claimant appears to be using the gross bushels listed on the BOL instead.
 - i. Those instances seem to be correlated with Jaeger Logistics providing the freight instead of CHS.
 1. CHS did not include the destination scale tickets for those loads in their claim.
 2. PSC had to request documents from Jaeger Logistics to help in their efforts to fully process this claim.
 - b. NoDak scale ticket #115
 1. The weights and bushels were hand written on the scale ticket unlike other NoDak scale tickets that were printed on by a machine printer.
 2. The hand written scale ticket did not take into account the dockage deduction for calculating the net bushels.
 3. The amount of bushels used in the PSC's calculations are reflective of the net bushels based on the weights and grades listed on the scale ticket and calculated in the same manner as the other machine printed tickets.
 - c. NoDak scale tickets #134 and #140
 1. The correct GROSS and TARE weights were listed on the scale ticket however in the process of weighing the truck out there was a mistake made and the printed load information and bushels were incorrect.
 2. The amount of bushels used in the PSC's calculations are reflective of the net bushels based on the weights and grades listed on the scale ticket and calculated in the same manner as the other machine printed tickets.
 - a. Both CHS and Midwest used either the incorrect printed amount or did not account for the dockage bushel deduction.

- d. Neither the claimant nor Midwest accounted for the “Viterra scale of discounts” that was to be used per the ECGM trade confirmation (21400).
 - i. The PSC calculations reflect applying all applicable discounts on a per scale ticket basis.
 - e. BOL 9117/NoDak Grain scale ticket #???
 - i. The claimant did not include the destination scale ticket with the corresponding origin BOL.
 - ii. PSC staff could not identify any records or any relevant scale tickets that could be the missing scale ticket in question.
 - iii. PSC staff contacted the claimant, and the emailed response is included in the claim file.
 - 1. Per email a scale ticket was issued at the time of delivery however due to NoDak staff error the scale ticket printed with zero as the weights and NoDak staff took the scale ticket back and stated they would reissue a corrected scale ticket and have a copy sent to the claimant, which never occurred.
 - iv. PSC calculations reflect using the origin Gross bushels and applying the average grade factors of the three previously delivered loads, and then calculating the net bushels in the same manner as the NoDak Grain – Rohrville computer printed scale tickets show.
3. Offsets explained:
- a. For grain delivered from CHS Garrison to Dakota Growers Pasta Company in Carrington (CHS BOL # / Dakota Growers scale ticket number)
 - 1. 9156 /T025275
 - 2. 9143/T025175
 - ii. The loads of grain delivered as identified above were included in the claimant’s claim calculation.
 - iii. Upon review of relevant documents PSC staff identified that the name (title holder) on the destination scale ticket was “CHS”.
 - 1. PSC staff requested a copy of the settlements that contained the scale tickets (#G03016-P and #G03007-P) from Dakota Growers. The settlements were made out to CHS.
 - iv. Based on the foregoing information PSC staff included the scale tickets in their total claim calculation however the amount CHS was paid for the scale tickets was deducted from the total amount of CHS’s claim.
 - 1. \$7,643.58 for scale ticket T025275
 - 2. \$7,437.69 for scale ticket T025175

Summary tables of how value of each load calculated:

BOL Information			Destination Information - inbound				Pricing				Contracts			
BOL Date	BOL #	Bushels	Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Total Prem. & Disc. per bu	Net Price per Bu	NET Amount Due	Estimate #	EGGM #	Seller Contract	Midwest Contract
9/17/2018	9081	1,090.00	NoDak Grain - Rohrville	90	9/18/2018	1,108.08	\$ 6.65	\$ (0.08)	\$ 6.57	\$ 7,280.09	7	21400	na	na
9/17/2018	9080	1,246.00	NoDak Grain - Rohrville	92	9/18/2018	1,233.09	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 8,163.06	7	21400	na	na
9/18/2018	9083	1,010.00	NoDak Grain - Rohrville	96	9/18/2018	993.91	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,579.68	7	21400	na	na
9/18/2018	9084	1,155.67	NoDak Grain - Rohrville	98	9/19/2018	1,159.06	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,672.98	7	21400	na	na
9/19/2018	9088	1,150.33	NoDak Grain - Rohrville	104	9/19/2018	1,149.53	\$ 6.65	\$ (0.13)	\$ 6.52	\$ 7,494.94	7	21400	na	na
9/19/2018	9090	984.67	NoDak Grain - Rohrville	107	9/20/2018	973.18	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,442.45	7	21400	na	na
9/20/2018	9093	1,213.33	NoDak Grain - Rohrville	112	9/20/2018	1,200.19	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,945.26	7	21400	na	na
9/20/2018	9094	1,174.33	NoDak Grain - Rohrville	115		1,157.75	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,664.31	7	21400	na	na
9/20/2018	9095	1,107.67	NoDak Grain - Rohrville	116	9/20/2018	1,112.02	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,361.57	7	21400	na	na
9/20/2018	9096	1,098.33	NoDak Grain - Rohrville	117	9/20/2018	1,065.63	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,054.47	7	21400	na	na
9/21/2018	9097	1,150.67	NoDak Grain - Rohrville	122	9/21/2018	1,128.47	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,470.47	7	21400	na	na
9/21/2018	9098	986.33	NoDak Grain - Rohrville	123	9/21/2018	969.90	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,420.74	7	21400	na	na
9/21/2018	9099	1,219.00	NoDak Grain - Rohrville	127	9/24/2018	1,211.05	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 8,017.15	7	21400	na	na
9/21/2018	9100	997.00	NoDak Grain - Rohrville	129	9/24/2018	989.64	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,551.42	7	21400	na	na
9/24/2018	9102	1,044.33	NoDak Grain - Rohrville	132	9/24/2018	1,034.38	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,847.60	7	21400	na	na
9/24/2018	9103	1,159.00	NoDak Grain - Rohrville	134	9/24/2018	1,143.27	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,568.45	7	21400	na	na
9/24/2018	9104	1,085.67	NoDak Grain - Rohrville	135	9/25/2018	1,091.30	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,224.41	7	21400	na	na
9/24/2018	9105	1,000.00	NoDak Grain - Rohrville	136	9/25/2018	991.61	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,564.46	7	21400	na	na
9/25/2018	11341	1,000.00	NoDak Grain - Rohrville	140	9/26/2018	1,002.47	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,636.35	7	21400	na	na
9/26/2018	9107	1,241.03	NoDak Grain - Rohrville	141	9/26/2018	1,240.98	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 8,215.29	7	21400	na	na
9/26/2018	9110	1,028.33	NoDak Grain - Rohrville	146	9/27/2018	1,020.23	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,753.92	7	21400	na	na
9/26/2018	9111	1,134.00	NoDak Grain - Rohrville	147	9/27/2018	1,100.83	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,287.49	7	21400	na	na
9/27/2018	9113	989.00	NoDak Grain - Rohrville	153	9/28/2018	990.29	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,555.72	7	21400	na	na
9/27/2018	9114	1,178.00	NoDak Grain - Rohrville	154	9/28/2018	1,175.84	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,784.06	7	21400	na	na

BOL Information			Destination Information - inbound				Pricing			Contracts				
BOL Date	BOL #	Bushels	Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Total Prem. & Disc. per bu	Net Price per Bu	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
9/28/2018	9117	1,026.67	NoDak Grain - Rohrville	N/A	10/3/2018	1,013.32	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,708.18	Missing	21400	Scale	Ticket
10/17/2018	9140	1,076.67	Dakota Growers - Carrington	T025156	10/18/2018	1,088.82	\$ 6.65	\$ -	\$ 6.65	\$ 7,240.65	na	21400	na	na
10/18/2018	9141	1,225.33	Dakota Growers - Carrington	T025168	10/18/2018	1,218.89	\$ 6.65	\$ (0.24)	\$ 6.41	\$ 7,813.08	na	21400	na	na
10/18/2018	9142	1,096.00	Dakota Growers - Carrington	T025169	10/18/2018	1,083.50	\$ 6.65	\$ (0.05)	\$ 6.60	\$ 7,151.10	na	21400	na	na
10/18/2018	9143	1,189.00	Dakota Growers - Carrington	T025175	10/19/2018	1,205.46	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,980.15	na	21400	na	na
10/24/2018	9144	1,035.33	Dakota Growers - Carrington	T025219	10/24/2018	1,030.33	\$ 6.65	\$ (0.10)	\$ 6.55	\$ 6,748.66	na	21400	na	na
10/24/2018	9148	1,040.33	NoDak Grain - Rohrville	191	10/25/2018	1,022.86	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,771.33	na	21400	na	na
10/25/2018	9149	981.33	NoDak Grain - Rohrville	193	10/25/2018	970.22	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,422.86	na	21400	na	na
10/29/2018	9150	1,033.67	NoDak Grain - Rohrville	202	10/29/2018	1,004.77	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,651.58	na	21400	na	na
10/29/2018	9153	1,213.67	NoDak Grain - Rohrville	205	10/30/2018	1,195.92	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,916.99	na	21400	na	na
10/30/2018	9151	1,125.00	NoDak Grain - Rohrville	206	10/30/2018	1,106.10	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,322.38	na	21400	na	na
10/30/2018	9154	1,076.00	NoDak Grain - Rohrville	207	10/30/2018	1,070.23	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,084.92	na	21400	na	na
10/30/2018	9155	1,109.00	NoDak Grain - Rohrville	211	10/30/2018	1,090.63	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,219.97	na	21400	na	na
10/30/2018	9158	1,160.00	NoDak Grain - Rohrville	213	10/31/2018	1,125.84	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,453.06	na	21400	na	na
10/30/2018	9156	1,091.94	Dakota Growers - Carrington	T025275	10/31/2018	1,091.94	\$ 6.65	\$ (0.40)	\$ 6.25	\$ 6,824.63	na	21400	na	na
11/5/2018	9161	1,090.00	NoDak Grain - Rohrville	216	11/5/2018	1,062.34	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,032.69	na	21400	na	na
11/5/2018	9162	1,235.33	NoDak Grain - Rohrville	217	11/5/2018	1,204.14	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,971.41	na	21400	na	na
11/6/2018	9163	1,036.00	NoDak Grain - Rohrville	218	11/6/2018	1,010.69	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,690.77	na	21400	na	na
11/7/2018	9164	1,127.00	NoDak Grain - Rohrville	220	11/7/2018	1,082.74	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,167.74	na	21400	na	na
11/8/2018	9165	1,023.33	NoDak Grain - Rohrville	221	11/8/2018	987.00	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 6,533.94	na	21400	na	na
11/9/2018	9166	1,112.33	NoDak Grain - Rohrville	222	11/9/2018	1,077.14	\$ 6.65	\$ (0.03)	\$ 6.62	\$ 7,130.67	na	21400	na	na

Summary tables of how discounts per bushel calculated:

Destination Information - inbound		Pricing						Scale ticket Grade Factors							
Elevator	Scale Ticket #	Total Prem. & Disc. per bu	Discount Summary				TW	MST	DOCK	S&B	Protein	HVAC	DMG	CCI	FM
			DOCK	HVAC	Damage	CCL									
NoDak Grain - Rohrville	90	\$ (0.08)	\$ (0.03)				\$ (0.05)	61.8	12.6	1.3				12.9	0
NoDak Grain - Rohrville	92	\$ (0.03)	\$ (0.03)				\$ -	61.8	12.0	1.3				13.7	0
NoDak Grain - Rohrville	96	\$ (0.03)	\$ (0.03)				\$ -	61.7	12.4	1.3				13.6	0
NoDak Grain - Rohrville	98	\$ (0.03)	\$ (0.03)				\$ -	62.0	12.6	1.3				13.3	0
NoDak Grain - Rohrville	104	\$ (0.13)	\$ (0.03)				\$ (0.10)	62.2	12.5	1.3				12.8	0
NoDak Grain - Rohrville	107	\$ (0.03)	\$ (0.03)				\$ -	61.6	12.7	1.3				13.4	0
NoDak Grain - Rohrville	112	\$ (0.03)	\$ (0.03)				\$ -	61.8	12.5	1.3				13.2	0
NoDak Grain - Rohrville	115	\$ (0.03)	\$ (0.03)				\$ -	62.2	12.5	1.3				13.2	0
NoDak Grain - Rohrville	116	\$ (0.03)	\$ (0.03)				\$ -	61.2	12.5	1.3				13.9	0
NoDak Grain - Rohrville	117	\$ (0.03)	\$ (0.03)				\$ -	60.7	12.9	1.3				14.0	0
NoDak Grain - Rohrville	122	\$ (0.03)	\$ (0.03)				\$ -	60.4	12.7	1.3				14.2	0
NoDak Grain - Rohrville	123	\$ (0.03)	\$ (0.03)				\$ -	61.2	12.6	1.3				13.6	0
NoDak Grain - Rohrville	127	\$ (0.03)	\$ (0.03)				\$ -	60.8	12.8	1.3				14.6	0
NoDak Grain - Rohrville	129	\$ (0.03)	\$ (0.03)				\$ -	60.5	12.8	1.3				14.8	0
NoDak Grain - Rohrville	132	\$ (0.03)	\$ (0.03)				\$ -	60.0	12.6	1.3				14.9	0
NoDak Grain - Rohrville	134	\$ (0.03)	\$ (0.03)				\$ -	60.4	12.5	1.3				14.5	0
NoDak Grain - Rohrville	135	\$ (0.03)	\$ (0.03)				\$ -	61.1	12.5	1.3				13.4	0
NoDak Grain - Rohrville	136	\$ (0.03)	\$ (0.03)				\$ -	61.2	12.6	1.3				13.8	0
NoDak Grain - Rohrville	140	\$ (0.03)	\$ (0.03)				NA	61.0	12.0	1.3					0
NoDak Grain - Rohrville	141	\$ (0.03)	\$ (0.03)				\$ -	60.6	12.4	1.3				14.0	0
NoDak Grain - Rohrville	146	\$ (0.03)	\$ (0.03)				\$ -	60.2	12.6	1.3				14.8	0
NoDak Grain - Rohrville	147	\$ (0.03)	\$ (0.03)				\$ -	61.0	12.5	1.3				13.6	0
NoDak Grain - Rohrville	153	\$ (0.03)	\$ (0.03)				\$ -	61.5	12.8	1.3				13.5	0
NoDak Grain - Rohrville	154	\$ (0.03)	\$ (0.03)				\$ -	61.0	13.0	1.3				13.4	0

Destination Information - inbound			Pricing					Scale ticket Grade Factors							
Elevator	Scale Ticket #	Total Prem. & Disc. per bu	Discount Summary				TW	MST	DOCK	S&B	Protein	HVAC	DMG	CCI	FM
			DOCK	HVAC	Damage	CCL									
NoDak Grain - Rohrville	N/A	\$ (0.03)	\$ (0.03)	\$ (0.03)			61.2	12.8	1.3	13.5				0	
Dakota Growers - Carrington	T025156	\$ -	\$ -				61.9	12.3	0.2	0.5	14.1	85	0	0.4	
Dakota Growers - Carrington	T025168	\$ (0.24)	\$ (0.15)	\$ (0.03)	\$ (0.06)		61.8	12.2	0.2	0.4	14.1	82	1.1	1.7	
Dakota Growers - Carrington	T025169	\$ (0.05)	\$ (0.05)				61.8	12.3	0.2	0.4	14.0	84	1	1	
Dakota Growers - Carrington	T025175	\$ (0.03)		\$ (0.03)			62.0	12.1	0.1	0.6	14.2	85	0.5	1.2	
Dakota Growers - Carrington	T025219	\$ (0.10)	\$ (0.10)				61.8	12.1	0.2	0.5	14.1	83	0.3	0.4	
NoDak Grain - Rohrville	191	\$ (0.03)	\$ (0.03)				61.7	12.4	1.3		14.2				
NoDak Grain - Rohrville	193	\$ (0.03)	\$ (0.03)				61.3	12.1	1.3		14.1				
NoDak Grain - Rohrville	202	\$ (0.03)	\$ (0.03)				60.9	12.1	1.3		14.3				
NoDak Grain - Rohrville	205	\$ (0.03)	\$ (0.03)					12.1	1.3		14.3				
NoDak Grain - Rohrville	206	\$ (0.03)	\$ (0.03)				61.0	12.0	1.3		14.1				
NoDak Grain - Rohrville	207	\$ (0.03)	\$ (0.03)				61.3	12.0	1.3		14.3				
NoDak Grain - Rohrville	211	\$ (0.03)	\$ (0.03)				60.8	12.0	1.3		14.3				
NoDak Grain - Rohrville	213	\$ (0.03)	\$ (0.03)				61.2	11.9	1.3		13.9			0	
Dakota Growers - Carrington	T025275	\$ (0.40)	\$ -	\$ (0.37)	\$ (0.03)		61.5	11.6	0.4	0.5	14.3	78	1.4	0.4	
NoDak Grain - Rohrville	216	\$ (0.03)	\$ (0.03)				61.1	11.8	1.3		14.3			0	
NoDak Grain - Rohrville	217	\$ (0.03)	\$ (0.03)				61.3	11.8	1.3		14.4			0	
NoDak Grain - Rohrville	218	\$ (0.03)	\$ (0.03)				61.2	12.3	1.3		14.1			0	
NoDak Grain - Rohrville	220	\$ (0.03)	\$ (0.03)				61.6	12.7	1.3		14.1			0	
NoDak Grain - Rohrville	221	\$ (0.03)	\$ (0.03)				61.4	13.1	1.3		13.9			0	
NoDak Grain - Rohrville	222	\$ (0.03)	\$ (0.03)				61.6	13.0	1.3		14.1			0	