

## 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.

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>	5 - Dakota AgSynergy
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Mitchell Armstrong
<b>Filing Attorney</b>	Mitchell Armstrong

Document Details	
<b>Lead Document</b>	Exhibit 5 to Aff of AJS.pdf
<b>Lead Document Page Count</b>	5
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North Dakota Court's Information Technology Department 701-328-4218  
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Claimant Name & Address  
 Dakota AgSynergy LLC  
 PO Box 692  
 Linton, ND 58552  
 Office: 701-214-4720

Date Claim Filed January 7, 2019  
 Date Payment Demand Made November 10, 2018

PSC Calculated value total \$ 158,941.79  
 Less other payments  
 Total cash claim \$ 158,941.79

Settlement #	Date	date	Date	date
na	na	na	na	na
EGGM Trade Confirmation #	21451	6/20/2018	21442	6/20/2018
Seller Contract #	21451	6/20/2018	21442	6/20/2018
Midwest Contract #	na	na	na	na
Claim applied against:	Cash	Cash	Cash	Cash
Commodity	Yellow Peas	Yellow Peas	Yellow Peas	Yellow Peas
Contracted Price Per Bushel	\$ 7.25	\$ 7.25	\$ 7.25	\$ 7.33
Contracted Bushels	5,000.00	5,000.00	6,000.00	19,200.00
Delivered bushels*	5,000.00	5,000.00	6,000.00	5,858.36
Gross Amount Due*	\$ 36,250.00	\$ 36,250.00	\$ 43,500.01	\$ 42,941.78
Less Total Fees & assessments*	\$ -	\$ -	\$ -	\$ -
PSC calculated value*	\$ 36,250.00	\$ 36,250.00	\$ 43,500.01	\$ 42,941.78
Estimated Value per Midwest				
Claimant calculated claim			\$164,734.80	



**Comments:**

**1. Summary:**

- a. Claim was received by the PSC on January 7, 2019
- b. Claimant stated it had received NoDak Grain check #1037 in the amount of \$100,936.85 for grain delivered however it was returned for NSF.
- c. Claimant stated that they had delivered some grain since receiving the check.
- d. Claimant totals their claim at \$164,734.80
- e. Claimant included invoices to Midwest, purchase contract and ECGM trade confirmations with supporting scale tickets and BOL's. Also included several emails.

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

- a. Differences in order that contracts were filled:
  - i. It appears that Dakota Ag Synergy was actually trying to fill contracts evenly and in the order of delivery.
  - ii. Dakota Ag Synergy contract #21442 had a different start date of delivery (6-20-18) than the date listed on ECGM Trade Confirmation #21442 that it was paired with (7-1-18).
    - 1. Because the claimant was invoicing and applying grain against contracts based on its agreements instead of the ECGM trade confirmations it incidentally applied grain in a different order than what the PSC's calculations reflect.
    - 2. PSC calculations reflect filling contracts based on earliest delivery start date, and contract number per industry standard practice based on the ECGM agreements.
- b. For the loads delivered to NoDak Grain (either location):
  - i. There were many scale tickets that were either hand written or misprinted.
    - 1. The calculations for dockage, shrink, FM were inconsistently applied and not calculated in a uniform manner.
    - 2. Therefore the net bushel calculations were inconsistent, if even calculated at all.
  - ii. The PSC's calculations reflect calculating net bushels in the same manner as the computer generated and printed scale tickets.
    - 1. Including how calculations were rounded.
- c. For the two loads 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.
  - 1. Per the trade confirmation splits were to be paid at full price.
- 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.
- iv. Note – Even though the original scale tickets are in CWT, and the claimant's invoices use CWT, the amount of grain listed on the claimant's invoice (2303) for the two Dakota Dry Bean scale tickets is not the same as any configurable calculation using the scale ticket CWT deductions for the applicable grade factors.
  - 1. Therefore the claimants claimed grain volume is different from the PSC's.
- v. For scale ticket #CRA001001945
  - 1. Original scale ticket, included in the original claim documents submitted, listed Dakota Ag Synergy as the owner of the grain.
  - 2. PSC staff contacted Dakota Dry Bean and they emailed a reply that included:
    - a. A scale ticket copy that had been revised to state Midwest was the owner
    - b. A settlement sheet (#CRA040000534) that included the scale ticket and was paid to Midwest.
- d. Claimant's net grain calculations did not account for the deduction of FM from the gross bushels for all transactions.
- e. PSC's calculations do not include the storage fee that the claimant was charging on their invoices.

Summary table of how value of each load calculated:

BOL Information		Destination Information - inbound			Pricing		Contracts				
BOL Date	BOL #	Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
8/29/2018	181230	Nodak Grain - Tunbridge	1061	8/29/2018	1,037.06	\$ 7.25	\$ 7,518.69	na	21451	21451	na
8/31/2018	181231	Nodak Grain - Tunbridge	1065	8/31/2018	861.33	\$ 7.25	\$ 6,244.64	na	21451	21451	na
9/4/2018	181232	Nodak Grain - Rohrville	1291	9/4/2018	1,012.75	\$ 7.25	\$ 7,342.44	na	21451	21451	na
9/5/2018	181233	Nodak Grain - Rohrville	1	9/5/2018	1,074.41	\$ 7.25	\$ 7,789.47	na	21451	21451	na
9/5/2018	181234	Nodak Grain - Rohrville	6	9/5/2018	1,014.45	\$ 7.25	\$ 7,354.76	na	21451	21451	na
9/5/2018	181234	Nodak Grain - Rohrville	6	9/5/2018	68.29	\$ 7.25	\$ 495.10	na	21452	21452	na
9/4/2018	181235	Nodak Grain - Rohrville	35	9/10/2018	1,040.36	\$ 7.25	\$ 7,542.61	na	21452	21452	na
9/11/2018	181236	Nodak Grain - Rohrville	40	9/11/2018	1,086.57	\$ 7.25	\$ 7,877.63	na	21452	21452	na
9/11/2018	181237	Nodak Grain - Rohrville	56	9/11/2018	1,060.93	\$ 7.25	\$ 7,691.74	na	21452	21452	na
9/17/2018	181238	Nodak Grain - Rohrville	89	9/17/2018	1,066.87	\$ 7.25	\$ 7,734.81	na	21452	21452	na
9/20/2018	181224	Nodak Grain - Rohrville	113	9/20/2018	676.98	\$ 7.25	\$ 4,908.11	na	21452	21452	na
9/20/2018	181224	Nodak Grain - Rohrville	113	9/20/2018	349.31	\$ 7.25	\$ 2,532.50	na	21442	21442	na
9/21/2018	181225	Nodak Grain - Rohrville	118	9/21/2018	972.52	\$ 7.25	\$ 7,050.77	na	21442	21442	na
9/27/2018	181226	Nodak Grain - Rohrville	149	9/27/2018	1,179.05	\$ 7.25	\$ 8,548.11	na	21442	21442	na
9/27/2018	181227	Nodak Grain - Rohrville	152	9/27/2018	1,214.10	\$ 7.25	\$ 8,802.23	na	21442	21442	na
10/15/2018	181239	Nodak Grain - Tunbridge	1301	10/15/2018	1,089.04	\$ 7.25	\$ 7,895.54	na	21442	21442	na
10/16/2018	181228	Nodak Grain - Tunbridge	1304	10/16/2018	1,116.38	\$ 7.25	\$ 8,093.76	na	21442	21442	na
10/17/2018	181066	Nodak Grain - Tunbridge	1307	10/17/2018	79.60	\$ 7.25	\$ 577.10	na	21442	21442	na
10/17/2018	181066	Nodak Grain - Tunbridge	1307	10/17/2018	1,139.17	\$ 7.33	\$ 8,350.12	na	21120	A040518	na
10/18/2018	181067	Nodak Grain - Tunbridge	1308	10/18/2018	1,200.09	\$ 7.33	\$ 8,796.66	na	21120	A040518	na
10/19/2018	181068	Nodak Grain - Tunbridge	1310	10/19/2018	1,282.80	\$ 7.33	\$ 9,402.92	na	21120	A040518	na
11/5/2018	181069	Dakota Dry Bean - Crary	CRA001001945	11/6/2018	1,195.13	\$ 7.33	\$ 8,760.30	na	21120	A040518	na
11/7/2018	181070	Dakota Dry Bean - Lakeview	LAK001000977	11/8/2018	1,041.17	\$ 7.33	\$ 7,631.78	na	21120	A040518	na

Summary table of how net bushels calculated for loads delivered to NoDak Grain:

Destination Information - inbound			Calculations of Net Bu. for NoDak scale tickets				Scale ticket Grade Factors				Contracts					
Elevator	Scale Ticket #	Delivery Date	Net Bu	Gross Lbs	Gross BU	Dock Bu.	Shrink Bu.	FMI Bu.	TW	MST	Dock	FM	Estimate #	ECGM #	Seller Contract	Midwest Contract
Nodak Grain - Tunbridge	1061	8/29/2018	1,037.06	63,300	1,055.00	11.61	2.11	4.22	59.7	13.9	1.1	0.4	na	21451	21451	na
Nodak Grain - Tunbridge	1065	8/31/2018	861.33	52,440	874.00	11.36	0.44	0.87	58.9	13.6	1.3	0.1	na	21451	21451	na
Nodak Grain - Rohrville	1291	9/4/2018	1,012.75	61,040	1,017.33	-	4.58	-	58.3	14.4	0.0	-	na	21451	21451	na
Nodak Grain - Rohrville	1	9/5/2018	1,074.41	65,480	1,091.33	14.19	2.73	-	59.0	14.0	1.3	-	na	21451	21451	na
Nodak Grain - Rohrville	6	9/5/2018	1,014.45	65,820	1,097.00	14.26	-	-	58.6	13.2	1.3	-	na	21451	21451	na
Nodak Grain - Rohrville	6	9/5/2018	68.29	65,820	1,097.00	14.26	-	-	58.6	13.2	1.3	-	na	21452	21452	na
Nodak Grain - Rohrville	35	9/10/2018	1,040.36	63,180	1,053.00	12.64	-	-	59.6	13.5	1.2	-	na	21452	21452	na
Nodak Grain - Rohrville	40	9/11/2018	1,086.57	66,120	1,102.00	14.33	1.10	-	59.2	13.7	1.3	-	na	21452	21452	na
Nodak Grain - Rohrville	56	9/11/2018	1,060.93	64,560	1,076.00	13.99	1.08	-	59.5	13.7	1.3	-	na	21452	21452	na
Nodak Grain - Rohrville	89	9/17/2018	1,066.87	65,020	1,083.67	14.09	2.71	-	59.3	14.0	1.3	-	na	21452	21452	na
Nodak Grain - Rohrville	113	9/20/2018	676.98	62,420	1,040.33	13.52	0.52	-	60.2	13.6	1.3	-	na	21452	21452	na
Nodak Grain - Rohrville	113	9/20/2018	349.31	62,420	1,040.33	13.52	0.52	-	60.2	13.6	1.3	-	na	21442	21442	na
Nodak Grain - Rohrville	118	9/21/2018	972.52	59,300	988.33	12.85	2.96	-	61.1	14.1	1.3	-	na	21442	21442	na
Nodak Grain - Rohrville	149	9/27/2018	1,179.05	75,580	1,259.67	80.62	-	-	60.7	13.0	6.4	-	na	21442	21442	na
Nodak Grain - Rohrville	152	9/27/2018	1,214.10	76,040	1,267.33	53.23	-	-	60.5	12.0	4.2	-	na	21442	21442	na
Nodak Grain - Tunbridge	1301	10/15/2018	1,089.04	66,540	1,109.00	19.96	-	-	59.4	10.5	1.8	-	na	21442	21442	na
Nodak Grain - Tunbridge	1304	10/16/2018	1,116.38	68,420	1,140.33	23.95	-	-	60.4	13.4	2.1	-	na	21442	21442	na
Nodak Grain - Tunbridge	1307	10/17/2018	79.60	74,240	1,237.33	18.56	-	-	61.8	13.0	1.5	-	na	21442	21442	na
Nodak Grain - Tunbridge	1307	10/17/2018	1,139.17	74,240	1,237.33	18.56	-	-	61.8	13.0	1.5	-	na	21120	A040518	na
Nodak Grain - Tunbridge	1308	10/18/2018	1,200.09	72,880	1,214.67	14.58	-	-	62.0	12.5	1.2	-	na	21120	A040518	na
Nodak Grain - Tunbridge	1310	10/19/2018	1,282.80	78,140	1,302.33	19.53	-	-	62.0	12.7	1.5	-	na	21120	A040518	na

Summary table of how net bushels calculated for loads delivered to Dakota Dry Bean:

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	Dock	Splits	DMG	Estimate #	ECGM #	Seller Contract	Midwest Contract
Dakota Dry Bean - Cray	CRA001001945	11/6/2018	1,195.13	1,195.13	717.08	1.39	715.69	11.0	1.0	0.38	0.81	na	21120	A040518	na
Dakota Dry Bean - Lakeview	LAK001000977	11/8/2018	1,041.17	1,041.17	624.70	1.89	622.81	9.6	0.1	0.60	0.67	na	21120	A040518	na