

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
Date/Time Accepted	11/1/2019 9:55 AM CST
Accepted Comments	
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Filing Description	15 - Donald and Jeff Knox
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Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
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Claimant Name & Address	
Knox, Donald & Jeff	
box 572	
Ray, ND 58849	
701-570-2390	
knox@nccray.net	

Date Claim Filed	March 11, 2019
Date Payment Demand Made	None Made

PSC Calculated value total	\$	144,957.49
Donald Knox 50% portion	\$	72,478.75
Jeff Knox 50% portion	\$	72,478.74

Total cash claim
\$ 144,957.49

Settlement #	132	Date	10/17/2018	238	10/17/2018	na	Date	
ECGM Trade Confirmation #	21360	6/6/2018	21381	6/7/2018	21441	6/19/2018		
Seller Contract #	na		na		na			
Midwest Contract	na		na		na			
Claim applied to:	None		Cash		Cash			
Commodity	Durum		Durum		Durum			
Contracted Price Per Bushel	\$	6.70	\$	6.70	\$	6.65		
Contracted Bushels		5,000.00		5,000.00		35,000.00		
Delivered bushels*		-		5,000.00		17,361.10		-
Gross Amount Due*	\$	-	\$	33,500.00	\$	111,792.92	\$	-
Less Total Fees & assessments*	\$	-	\$	75.00	\$	260.43	\$	-
PSC calculated value*	\$	-	\$	33,425.00	\$	111,532.49	\$	-
Estimated Value per midwest								
Claimant calculated claim	\$	-	\$	33,500.00	\$	82,201.31		

Comments:



Comments:

1. ECGM Trade Confirmation #21360/ Midwest Estimate #132
 - a. There were five loads of durum applied and included in the original claim filed 3-11-19.
 - b. A supplement to the claim was filed 3-21-19 stating that the claimants had been paid for the five loads.
 - i. Midwest Check #1500 and #1501 were written on 8-24-18 for \$16,770.44 each. Both checks were deposited successfully.
 - c. The PSC's claim calculation excludes the five scale tickets as they were successfully paid for prior to the insolvency.
2. Differences in claim calculated value:
 - a. ECGM Trade Confirmation #21381 / Midwest Estimate #238
 - i. Claimants based their claim off of the two NSF checks that were written for the eight loads of durum listed on Estimate #238.
 1. Checks #1056 and #1057 were both written from NoDak Grain for \$27,206.39 each. Both written on 11-2-19.
 - ii. Per the ECGM Trade Confirmation only 5,000 bushels of durum were to be applied at the \$6.70 per bushel price. The overage should have been applied to the next Contract, ECGM Trade Confirmation #21441, which has a lower price of \$6.65 per bushel. Typical industry practices would roll the overage to the next oldest contract to be filled if one exists.
 - iii. PSC calculations reflect applying the first 5,000 bushels to Trade Confirmation #21381 and the overage was applied to trade confirmation #21441.
 - iv. Commodity checkoff fees that are deducted prior to final settlement were improperly calculated by Midwest.
 - v. Midwest had the wrong bushel amount for Border Ag and Energy scale ticket #BI21295. Claimants caught this mistake and included the correction in their claim letter.
 - b. ECGM Trade Confirmation #21441
 - i. Claimant did not calculate claim using the discount schedule listed. PSC calculations reflect discounts being applied.
 - ii. Commodity checkoff fees that are deducted prior to final settlement were not included in the claimants calculations.

These five scale tickets were successfully paid for by Midwest checks #1500 & 1501 per the claimants supplemental claim documents:

Destination Information - inbound				Scale ticket Grade Factors				Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	TW	MST	PRO	Dock	Estimate #	ECGM Trade	Seller Contract	Midwest Basis
CHS SunPrairie - Minot	2151475	7/18/2018	994.27	62.7	11.9	13.9	1.1	132	21360	Were paid by Midwest checks #1500, #1501 for \$16,770.88 each	
CHS SunPrairie - Minot	2248857	7/18/2018	1,009.83	62.9	11.6	14.0	0.9	132	21360		
CHS SunPrairie - Minot	2248866	7/18/2018	972.49	61.2	12.0	13.9	0.8	132	21360		
CHS SunPrairie - Minot	2248878	7/19/2018	976.46	62.5	11.8	13.9	0.8	132	21360		
CHS SunPrairie - Minot	2248887	7/19/2018	1,088.34	62.3	11.9	13.9	1.0	132	21360		

Table for the 5,000 bushels applied to ECGM Trade Confirmation #21381:

Destination Information - inbound				Pricing				Scale ticket Grade Factors				Contracts			
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	TW	MST	PRO	Dock	Estimate #	ECGM Trade	Seller Contract	Midwest Basis
Border Ag & Energy	B121265	10/9/2018	965.62	\$ 6.70	\$ 6,469.65	\$ 14.48	\$ 6,455.17	63.1	11.4	13.6	1.4	238	21381	na	na
Border Ag & Energy	B121266	10/9/2018	1,007.25	\$ 6.70	\$ 6,748.58	\$ 15.11	\$ 6,733.47	63.5	12.1	13.0	1.7	238	21381	na	na
Border Ag & Energy	B121282	10/10/2018	1,051.78	\$ 6.70	\$ 7,046.93	\$ 15.78	\$ 7,031.15	63.6	11.1	12.8	0.9	238	21381	na	na
Border Ag & Energy	B121293	10/10/2018	1,008.89	\$ 6.70	\$ 6,759.56	\$ 15.13	\$ 6,744.43	63.7	10.8	13.1	0.7	238	21381	na	na
Border Ag & Energy	B121295	10/11/2018	966.46	\$ 6.70	\$ 6,475.28	\$ 14.50	\$ 6,460.78	64.0	11.0	12.9	1.0	238	21381	na	na

Summary of calculations of grain value for ECGM Trade Confirmations #21441:

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 Trade	Seller Contract	Midwest Basis
Border Ag & Energy	B121295	10/11/2018	88.55	\$ 6.65	\$ (0.05)	\$ 6.60	\$ 584.43	\$ 1.33	\$ 583.10	na	21441	na	na
Border Ag & Energy	B121297	10/11/2018	1,013.19	\$ 6.65	\$ (0.15)	\$ 6.50	\$ 6,585.74	\$ 15.20	\$ 6,570.54	na	21441	na	na
Border Ag & Energy	B121305	10/12/2018	1,025.77	\$ 6.65	\$ (0.15)	\$ 6.50	\$ 6,667.51	\$ 15.39	\$ 6,652.12	na	21441	na	na
Border Ag & Energy	B121320	10/12/2018	1,045.02	\$ 6.65	\$ (0.10)	\$ 6.55	\$ 6,844.88	\$ 15.68	\$ 6,829.20	na	21441	na	na
Dakota Growers	25262	10/29/2018	1,016.63	\$ 6.65	\$ (0.20)	\$ 6.45	\$ 6,557.26	\$ 15.25	\$ 6,542.01	na	21441	na	na
Dakota Growers	25266	10/30/2018	1,014.64	\$ 6.65	\$ (0.10)	\$ 6.55	\$ 6,645.89	\$ 15.22	\$ 6,630.67	na	21441	na	na
Dakota Growers	25272	10/31/2018	1,034.29	\$ 6.65	\$ (0.30)	\$ 6.35	\$ 6,567.74	\$ 15.51	\$ 6,552.23	na	21441	na	na
Border Ag & Energy	B121967	10/31/2018	1,002.93	\$ 6.65	\$ (0.25)	\$ 6.40	\$ 6,418.75	\$ 15.04	\$ 6,403.71	na	21441	na	na
Border Ag & Energy	B121968	11/1/2018	1,038.01	\$ 6.65	\$ (0.25)	\$ 6.40	\$ 6,643.26	\$ 15.57	\$ 6,627.69	na	21441	na	na
Border Ag & Energy	B121972	11/1/2018	1,017.46	\$ 6.65	\$ (0.25)	\$ 6.40	\$ 6,511.74	\$ 15.26	\$ 6,496.48	na	21441	na	na
Border Ag & Energy	B121975	11/2/2018	1,023.42	\$ 6.65	\$ (0.25)	\$ 6.40	\$ 6,549.89	\$ 15.35	\$ 6,534.54	na	21441	na	na
Border Ag & Energy	B121980	11/2/2018	967.20	\$ 6.65	\$ (0.25)	\$ 6.40	\$ 6,190.08	\$ 14.51	\$ 6,175.57	na	21441	na	na
Border Ag & Energy	B121981	11/5/2018	1,002.91	\$ 6.65	\$ (0.25)	\$ 6.40	\$ 6,418.62	\$ 15.04	\$ 6,403.58	na	21441	na	na
Border Ag & Energy	B121982	11/5/2018	983.07	\$ 6.65	\$ (0.25)	\$ 6.40	\$ 6,291.65	\$ 14.75	\$ 6,276.90	na	21441	na	na
Border Ag & Energy	B121983	11/6/2018	1,028.61	\$ 6.65	\$ (0.30)	\$ 6.35	\$ 6,531.67	\$ 15.43	\$ 6,516.24	na	21441	na	na
Border Ag & Energy	B121984	11/6/2018	1,013.10	\$ 6.65	\$ (0.25)	\$ 6.40	\$ 6,483.84	\$ 15.20	\$ 6,468.64	na	21441	na	na
Border Ag & Energy	B121988	11/7/2018	1,033.00	\$ 6.65	\$ (0.20)	\$ 6.45	\$ 6,662.85	\$ 15.50	\$ 6,647.35	na	21441	na	na
Dakota Growers	25352	11/8/2018	1,013.30	\$ 6.65	\$ (0.10)	\$ 6.55	\$ 6,637.12	\$ 15.20	\$ 6,621.92	na	21441	na	na

Summary of grades and discounts for net price calculations for ECGM Trade Confirmations #21441:

Destination Information - inbound				Pricing				Scale ticket Grade Factors							Contracts				
Elevator	Scale Ticket #	Delivery Date	Net Bu	Total Prem. & Disc. per bu	Discount in \$/bu			TW	MST	DMG	HVAC	PRO	Dock	Falling#	CCL	Estimate #	ECGM Trade	Seller Contract	Midwest Basis
					TW	HVAC	Protein												
Border Ag & Energy	B121295	10/11/2018	88.55	\$ (0.05)			(0.05)	64.0	11.0			12.9	1.0			na	21441	na	na
Border Ag & Energy	B121297	10/11/2018	1,013.19	\$ (0.15)			(0.15)	63.9	11.2			12.7	0.7			na	21441	na	na
Border Ag & Energy	B121305	10/12/2018	1,025.77	\$ (0.15)			(0.15)	63.7	11.3			12.7	0.7			na	21441	na	na
Border Ag & Energy	B121320	10/12/2018	1,045.02	\$ (0.10)			(0.10)	63.7	11.3			12.8	0.6			na	21441	na	na
Dakota Growers	25262	10/29/2018	1,016.63	\$ (0.20)		(0.15)	(0.05)	63.8	10.9	0.8	82	12.9	0.2	301.0	0.4	na	21441	na	na
Dakota Growers	25266	10/30/2018	1,014.64	\$ (0.10)			(0.10)	63.8	10.9	0.9	85	12.8	0.2	301.0	-	na	21441	na	na
Dakota Growers	25272	10/31/2018	1,034.29	\$ (0.30)		(0.15)	(0.15)	63.9	10.9	0.8	82	12.7	0.1	301.0	0.3	na	21441	na	na
Border Ag & Energy	B121967	10/31/2018	1,002.93	\$ (0.25)			(0.25)	63.2	11.5			12.5	0.7			na	21441	na	na
Border Ag & Energy	B121968	11/1/2018	1,038.01	\$ (0.25)			(0.25)	62.2	11.4			12.5	0.7			na	21441	na	na
Border Ag & Energy	B121972	11/1/2018	1,017.46	\$ (0.25)			(0.25)	63.7	11.4			12.2	0.8			na	21441	na	na
Border Ag & Energy	B121975	11/2/2018	1,023.42	\$ (0.25)			(0.25)	60.7	11.6			12.3	0.8			na	21441	na	na
Border Ag & Energy	B121980	11/2/2018	967.20	\$ (0.25)			(0.25)	63.2	11.4			12.4	0.8			na	21441	na	na
Border Ag & Energy	B121981	11/5/2018	1,002.91	\$ (0.25)			(0.25)	60.6	11.7			12.2	0.8			na	21441	na	na
Border Ag & Energy	B121982	11/5/2018	983.07	\$ (0.25)			(0.25)	60.0	11.9			12.2	0.8			na	21441	na	na
Border Ag & Energy	B121983	11/6/2018	1,028.61	\$ (0.30)		(0.05)	(0.05)	59.5	11.5			12.5	1.0			na	21441	na	na
Border Ag & Energy	B121984	11/6/2018	1,013.10	\$ (0.25)			(0.25)	62.6	11.3			12.5	1.0			na	21441	na	na
Border Ag & Energy	B121988	11/7/2018	1,033.00	\$ (0.20)			(0.20)	62.3	11.3			12.6	0.8			na	21441	na	na
Dakota Growers	25352	11/8/2018	1,013.30	\$ (0.10)			(0.10)	63.0	11.0	0.7	88	12.8	0.2	301.0	0.2	na	21441	na	na