

**Crockford, Konrad S.**

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**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>	22 - Prairie Pines
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Mitchell Armstrong
<b>Filing Attorney</b>	Mitchell Armstrong

Document Details	
<b>Lead Document</b>	Exhibit 22 to Aff of AJS.pdf
<b>Lead Document Page Count</b>	4
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North Dakota Court's Information Technology Department 701-328-4218  
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**Claimant Name & Address**  
 Prairie Pines, Inc.  
 540 86th Ave SE  
 Kensial, ND 58455  
 701-320-2079  
 ryanspitzer@hotmail.com  
 Attorney: Daniel L. Guastad  
 Pearson Christensen, PLLP  
 Office: 701-775-0521

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

PSC Calculated value total	\$	61,565.35
Less other payments		

\$ 61,565.35 **Total cash claim**

Settlement #	na	Date	date	Date	date
ECGM Trade Confirmation #	na				
Seller Contract #	na		21109	4/3/2018	
Midwest Contract #	187202		na		
			187215		
Claim applied to:		Cash			
Commodity		Yellow Peas		Cash	
Contracted Price Per Bushel	\$	7.00	\$	7.00	
Contracted Bushels		8,000.00		8,000 (+/- 500)	
Delivered bushels*		8,000.00		883.89	-
Gross Amount Due*	\$	56,000.00	\$	6,187.23	\$
Less Total Fees & assessments*	\$	560.01	\$	61.87	\$
PSC calculated value*	\$	55,439.99	\$	6,125.36	\$
<b>Estimated Value per Midwest</b>					
<b>Claimant calculated claim</b>			\$63,265.79		



**Comments:**

1. Summary:
  - a. Claimant submitted a summary and supporting documentation for 9 loads of yellow peas that had been delivered and remain unpaid.
  - b. This included East Central Trade Confirmation #21109 and Midwest Grain Trading Grain Purchase Contract #187215.
    - i. Both the claimant and PSC staff treated the contracts as a duplication of the same agreement.
  - c. Midwest Grain Trading Grain Purchase Contract #187202.
    - i. Claimant did not distinguish or acknowledge if this contract was also be treated as a duplicated agreement and be included with the other two above listed contracts.
    - ii. This contract had an earlier delivery start date (4-5-18) than the two contracts listed above (5-1-18).
    - iii. Due to the different delivery start dates the PSC treated this contract as a separate agreement and applied bushels to the two agreements following the industry standard practice of applying the earliest delivered grain to the earliest and oldest unfulfilled contract and applying any overage to the next open contract.
  - d. Note – PSC staff did contact ECGM and no other trade confirmations were made for yellow peas.
2. Differences in claim calculation explained:
  - a. Claimant did not account for the commodity checkoff fee that would be deducted prior to final settlement per industry standards.
  - b. Claimant used the gross bushels instead of the net bushels as reflected in the PSC’s calculations.
  - c. For the grain delivered to Crookston Bean:
    - i. Scale tickets did not list any grading factors.
    - ii. From additional documentation that was requested from Crookston Bean that included an assembly sheet:
      1. It listed the loads of grain delivered by the claimant.
      2. It listed the weights of the loads.
      3. It listed a dockage percent and also the Net lbs. less dockage. (the Right most “net” column)
        - a. PSC calculations reflect using the Net lbs. and dividing it by 60 to get the net bushels delivered.
          - i. Standard yellow pea test weight is 60 lbs. per bushel.
          - ii. Net bushel amounts were rounded to the hundredth bushel.
  - d. For the loads delivered to Dakota Dry Bean:
    - i. The contracted unit of measure was bushels.
    - ii. Scale ticket used 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.
- iii. Dakota Dry Bean scale tickets show the amount of splits in CWT deducted from the gross CWT.
- iv. PSC calculated net bushels from the destination scale ticket information in the follow manner:
  - 1. For the grain applied to Midwest Contract #187202
    - a.  $\text{Net bu.} = (100 * (\text{destination net CWT})) / 60$ 
      - i. No discount schedule or amendments were listed (like on many other agreements) on the contract so the PSC defaulted to using the net weight as stated on the destination scale ticket.
    - b. The NET bushel calculation was rounded to two decimal places.
  - 2. For the grain applied to Midwest Contract #187215 / ECGM Trade Confirmation #211109:
    - a. Per the Trade Confirmation splits were to be paid at full price however the destination scale tickets list a deduction for splits.
    - b.  $\text{Net bu.} = (100 * ((\text{destination net CWT}) + (\text{destination splits CWT}))) / 60$
    - c.  $\text{Net bu.} = ((\text{NET CWT}) + (\text{Splits CWT})) / 0.6$  is the shortened equation.
    - d. The NET bushel calculation was rounded to two decimal places.

Summary table 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	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM Trade	Seller Contract	Midwest Contract
10/7/2018	1229	1,089.00	Dakota Dry Bean - Crary	CRA001001746	10/9/2018	1,063.67	\$ 7.00	\$ 7,445.69	\$ 74.46	\$ 7,371.23	na	na	na	187202
10/9/2018	1231	1,016.70	Dakota Dry Bean - Lakeview	LAK001000912	10/10/2018	1,078.23	\$ 7.00	\$ 7,547.61	\$ 75.48	\$ 7,472.13	na	na	na	187202
10/11/2018	1213	876.00	Crookston Bean	512	10/12/2018	869.43	\$ 7.00	\$ 6,086.01	\$ 60.86	\$ 6,025.15	na	na	na	187202
10/16/2018	1242	1,046.00	Crookston Bean	1242	10/16/2018	1,022.47	\$ 7.00	\$ 7,157.29	\$ 71.57	\$ 7,085.72	na	na	na	187202
10/15/2018	1217	1,158.30	Dakota Dry Bean - Crary	CRA001001795	10/16/2018	1,118.30	\$ 7.00	\$ 7,828.10	\$ 78.28	\$ 7,749.82	na	na	na	187202
10/17/2018	1240	946.00	Crookston Bean	1240	10/17/2018	966.24	\$ 7.00	\$ 6,763.68	\$ 67.64	\$ 6,696.04	na	na	na	187202
10/17/2018	1241	1,026.70	Crookston Bean	516	10/17/2018	1,016.40	\$ 7.00	\$ 7,114.80	\$ 71.15	\$ 7,043.65	na	na	na	187202
10/15/2018	1216	948.33	Crookston Bean	513	10/18/2018	865.26	\$ 7.00	\$ 6,056.82	\$ 60.57	\$ 5,996.25	na	na	na	187202
10/15/2018	1216	948.33	Crookston Bean	513	10/18/2018	73.59	\$ 7.00	\$ 515.13	\$ 5.15	\$ 509.98	na	21109	na	187215
	1218		Dakota Dry Bean - Crary	CRA001001825	10/18/2018	810.30	\$ 7.00	\$ 5,672.10	\$ 56.72	\$ 5,615.38	na	21109	na	187215

Summary table of how net bushels calculated:

BOL information			Destination information - inbound				DDB calc. of Net Bu. from CWT				Scale ticket Grade Factors				Contracts			
BOL Date	BOL #	Bushels	Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Bu (net contract CWT/0.6)	Net CWT per contract	Splits CWT	DDB Net CWT	MST	Damage	Splits	FM	Estimate #	ECGM Trade	Seller Contract	Midwest Contract
10/7/2018	1229	1,089.00	Dakota Dry Bean - Crary	CRA001001746	10/9/2018	1,063.67	1,063.67	638.20	638.20	638.20	13.5	0.69	1.71	0.78	na	na	na	187202
10/9/2018	1231	1,016.70	Dakota Dry Bean - Lakeview	LAK001000912	10/10/2018	1,078.23	1,078.23	646.94	646.94	646.94	12.8	0.94	1.74	0.14	na	na	na	187202
10/11/2018	1213	876.00	Crookston Bean	512	10/12/2018	869.43								0.75	na	na	na	187202
10/16/2018	1242	1,046.00	Crookston Bean	1242	10/16/2018	1,022.47								2.25	na	na	na	187202
10/15/2018	1217	1,158.30	Dakota Dry Bean - Crary	CRA001001795	10/16/2018	1,118.30	1,118.30	670.98	670.98	670.98	13.4	0.85	3.15	0.85	na	na	na	187202
10/17/2018	1240	946.00	Crookston Bean	1240	10/17/2018	966.24								1.00	na	na	na	187202
10/17/2018	1241	1,026.70	Crookston Bean	516	10/17/2018	1,016.40								1.00	na	na	na	187202
10/15/2018	1216	948.33	Crookston Bean	513	10/18/2018	865.26								1.00	na	na	na	187202
10/15/2018	1216	948.33	Crookston Bean	513	10/18/2018	73.59								1.00	na	21109	na	187215
	1218		Dakota Dry Bean - Crary	CRA001001825	10/18/2018	810.30	810.30	486.18	1.67	484.51	12.9	0.56	0.68	0.38	na	21109	na	187215