

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	
Filing Type	Exhibit
Filing Description	25 - Shafer Commodities
Activity Requested	EFileAndServe
Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 25 to Aff of AJS.pdf
Lead Document Page Count	5
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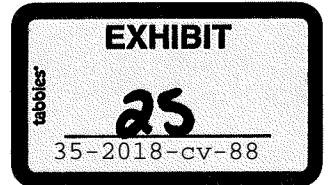
Claimant Name & Address
 Schafer Commodities
 131 7th Street
 Morden, MB R6M 1S3
 Contact- Jan Leishman
 Office: 204-822-6275
 jleishman@schafercom.com

Date Claim Filed November 14, 2018
 Date Payment Demand Made October 16, 2018

PSC Calculated value total \$ 169,173.74
 Offset for previous over payment \$ (1,006.77)

\$ 168,166.97 **Total cash claim**

Settlement #	na	Date	date	Date	date
ECGM Trade Confirmation #	21396	6/12/2018	4/3/2018		
Seller Contract #	5108920	6/12/2018	4/3/2018		
Midwest Contract #	na		187217 4/3/2018		
Claim applied against:	Cash				
Commodity	yellow peas		yellow peas		
Contracted Price Per Bushel	\$	7.15	\$	7.15	
Contracted Bushels	25 loads	~27,500	18 loads	~20,000	
Delivered bushels*		6,021.53		17,639.13	-
Gross Amount Due*	\$	43,053.95	\$	126,119.79	\$
Less Total Fees & assessments*	\$	-	\$	-	\$
PSC calculated value*	\$	43,053.95	\$	126,119.79	\$
Estimated Value per Midwest					
Claimant calculated claim			\$167,418.66		



Comments:

1. **Summary**
 - a. Claimant included in the claim documents received by the PSC on November 14, 2018:
 - i. A PSC Grain Claim Form for 23,415.20 bushels of yellow peas valued at \$167,418.66
 - ii. A statement prepared by Shafer that listed each load of grain that had been delivered and remains unpaid.
 - iii. Shafer invoices and their corresponding destination scale tickets.
 - iv. An array of emails demanding payment and also inquiring about the possibility of redelivery of grain.
2. **Portions of claim that the PSC recommends be invalid as it relates to the insolvency proceedings:**
 - a. Shafer invoice #1007910 for NoDak – Rohrville scale ticket #215 lists a \$200.00 “waiting time charges” fee that was added to the amount owed on the invoice. The PSC’s calculations do not include this amount.
3. **Differences in claim calculations for what the PSC recommends be valid portions of the claim (Grain delivered but unpaid):**
 - a. Differences on net bushel calculations between the PSC’s calculations and Midwest/NoDak:
 - i. On multiple scale tickets that were handwritten the deduction for dockage and applicable shrink deduction was not calculated. The PSC’s calculations reflect calculating net bushels in the same manner as the machine-printed scale tickets and in correlation to the applied contract terms.
 - ii. Note – the handwritten scale ticket calculations were rounded and calculated inconsistently, PSC applied the same method of calculation and rounding in all calculations (based on weights and grades)
 - a. Differences on net bushel calculations between the PSC’s calculations and Shafer’s:
 - i. Shafer’s net bushel calculations, as shown on the respective invoices, round to the nearest ten-thousandth place while the PSC’s calculations round to the nearest hundredths place.
 - ii. Differences due to shrink calculations:
 1. Shafer invoices reflect deducting 2% shrink for each 1% of moisture above 13.5%.
 2. The PSC’s calculations (consistent with the NoDak machine-printed scale tickets) deducted based on 0.5% shrink for each 1% of moisture above 13.5% for scale tickets applied to ECGM #21396 (destination discount schedule)
 3. For grain applied to ECGM #21107 and Midwest Purchase Contract #187217 the PSC calculations reflect using a shrink deduction of 0.5% shrink for each 1% of moisture above 15.0%.
 - a. Per the terms listed on Midwest purchase contract #187217

4. Explanation of offset:

- a. The statement (list of unpaid invoices) dated 11-8-18 that was submitted by Shafer in the claim documents:
 - i. Statement lists Shafer invoice #1007256 (Scale ticket 1069) was for:
 - 1. Invoice amount (matches invoice) of \$6,484.91
 - 2. Invoice balance amount of \$5,478.14
 - 3. Equals a difference of \$1006.77
 - ii. Per email from Shafer the difference is due to an overpayment that Midwest had made on a previous settlement and the overpayment was applied to the oldest outstanding invoice.
 - iii. This over payment is reflected as an offset in the PSC's total claim calculations.

Summary table of how value of each load calculated:

Origin scale ticket - outbound		Shafer Invoice #	BOL Information		Destination Information - inbound			Pricing		Contracts				
Scale Ticket #	PO#		BOL Date	BOL #	Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
5307610-2	5107790-2	1007382	9/19/2018	1805	NoDak - Tunbridge	1072	9/21/2018	1,034.76	\$ 7.15	\$ 7,398.53	na	21107	5107790	187217
5307610-3	5107790-13	1007383	9/19/2018	1806	NoDak - Tunbridge	1073	9/21/2018	1,033.39	\$ 7.15	\$ 7,388.74	na	21107	5107790	187217
5307650-17	5107790-5	1007419	9/25/2018	3130	NoDak - Tunbridge	1078	9/25/2018	1,106.06	\$ 7.15	\$ 7,908.33	na	21107	5107790	187217
5307650-18	5107790-7	1007420	9/25/2018	3135	NoDak - Tunbridge	1079	9/26/2018	910.08	\$ 7.15	\$ 6,507.07	na	21107	5107790	187217
5307610-4	5107790-10	1007421	9/26/2018	1840	NoDak - Tunbridge	1080	9/26/2018	1,011.73	\$ 7.15	\$ 7,233.87	na	21107	5107790	187217
5307650-12	5107790-9	1007422	9/26/2018	3132	NoDak - Tunbridge	1081	9/27/2018	1,097.29	\$ 7.15	\$ 7,845.62	na	21107	5107790	187217
5308920-12	5107790-8	1007451	9/26/2018	2832	NoDak - Tunbridge	1082	9/27/2018	1,009.90	\$ 7.15	\$ 7,220.79	na	21107	5107790	187217
5307650-15	5107790-14	1007452	9/27/2018	3138	NoDak - Tunbridge	1083	9/27/2018	886.24	\$ 7.15	\$ 6,336.62	na	21107	5107790	187217
5307610-2	5107790-15	1007453	9/27/2018	3057	NoDak - Tunbridge	1084	9/27/2018	1,094.96	\$ 7.15	\$ 7,828.96	na	21107	5107790	187217
5310020-3	5107790-18	1007654	10/9/2018	3065	NoDak - Tunbridge	1294	10/9/2018	1,051.24	\$ 7.15	\$ 7,516.37	na	21107	5107790	187217
5310300-5	5107790-17	1007656	10/11/2018	3189	NoDak - Tunbridge	1297	10/11/2018	1,124.19	\$ 7.15	\$ 8,037.96	na	21107	5107790	187217
5310300-3	5107790-4	1007681	10/16/2018	1906	NoDak - Tunbridge	1298	10/11/2018	876.68	\$ 7.15	\$ 6,268.26	na	21107	5107790	187217
5308920-3	5107790-3	1007738			NoDak - Tunbridge	1305	10/17/2018	1,130.93	\$ 7.15	\$ 8,086.15	na	21107	5107790	187217
5308920-4	5107790-12	1007739			NoDak - Tunbridge	1306	10/17/2018	1,073.86	\$ 7.15	\$ 7,678.10	na	21107	5107790	187217
5308920-10	5108920-20	1007683	10/12/2018	2839	NoDak - Tunbridge	1309	10/18/2018	1,104.91	\$ 7.15	\$ 7,900.11	na	21107	5107790	187217
5308920-9	5108920-19	1007898	10/25/2018	2021	NoDak - Rohrville	1311	10/19/2018	1,014.01	\$ 7.15	\$ 7,250.17	na	21107	5107790	187217
5308920-8	5108920-15	1007899	10/29/2018	50285	NoDak - Rohrville	1313	10/22/2018	1,078.90	\$ 7.15	\$ 7,714.14	na	21107	5107790	187217
5308920-3	5108920-17	1007256	9/13/2018	1803540	NoDak - Tunbridge	1069	9/14/2018	906.98	\$ 7.15	\$ 6,484.91	na	21396	5108920	na
5308920-4	5108920-16	1007418		180362	NoDak - Tunbridge	1077	9/25/2018	964.97	\$ 7.15	\$ 6,899.54	na	21396	5108920	na
5308920-10	5108920-20	1007683	10/12/2018	2839	NoDak - Tunbridge	1303	10/15/2018	1,007.87	\$ 7.15	\$ 7,206.27	na	21396	5108920	na
5308920-9	5108920-19	1007898	10/25/2018	2021	NoDak - Rohrville	194	10/26/2018	968.55	\$ 7.15	\$ 6,925.13	na	21396	5108920	na
5308920-8	5108920-15	1007899	10/29/2018	50285	NoDak - Rohrville	204	10/30/2018	1,073.64	\$ 7.15	\$ 7,676.53	na	21396	5108920	na
	5108920-24	1007910			NoDak - Rohrville	215	10/31/2018	1,099.52	\$ 7.15	\$ 7,861.57	na	21396	5108920	na

Summary table of how net bushels calculated:

Destination Information - inbound				PSC's calculated net Bushels						Scale ticket Grade Factors				Contracts				
Elevator	Scale Ticket #	Delivery Date	Net Bu	PSC net bu less ST net bu	Scale Ticket Net Bu	PSC Net Bu	MST Shrink bu.	Dock bu	Gross Bu	Net lbs	TW	MST	Splits	Dock	Estimate #	ECGM #	Seller Contract	Midwest Contract
NoDak - Tunbridge	1072	9/21/2018	1,034.76	0.76	1,034.00	1,034.76	-	12.57	1,047.33	62,840	61.8	13.3		1.2	na	21107	5107790	187217
NoDak - Tunbridge	1073	9/21/2018	1,033.39	0.39	1,033.00	1,033.39	-	18.94	1,052.33	63,140	61.8	15.0		1.8	na	21107	5107790	187217
NoDak - Tunbridge	1078	9/25/2018	1,106.06	1.06	1,105.00	1,106.06	-	20.27	1,126.33	67,580	61.0	11.5		1.8	na	21107	5107790	187217
NoDak - Tunbridge	1079	9/26/2018	910.08	0.08	910.00	910.08	-	12.92	923.00	55,380	61.1	13.0		1.4	na	21107	5107790	187217
NoDak - Tunbridge	1080	9/26/2018	1,011.73	0.73	1,011.00	1,011.73	-	19.60	1,031.33	61,880	63.1	14.9		1.9	na	21107	5107790	187217
NoDak - Tunbridge	1081	9/27/2018	1,097.29	0.29	1,097.00	1,097.29	-	16.71	1,114.00	66,840	62.2	12.3		1.5	na	21107	5107790	187217
NoDak - Tunbridge	1082	9/27/2018	1,009.90	0.90	1,009.00	1,009.90	-	6.10	1,016.00	60,960	62.1	12.0		0.6	na	21107	5107790	187217
NoDak - Tunbridge	1083	9/27/2018	886.24	0.24	886.00	886.24	-	10.76	897.00	53,820	61.6	11.4		1.2	na	21107	5107790	187217
NoDak - Tunbridge	1084	9/27/2018	1,094.96	(0.04)	1,095.00	1,094.96	0.56	17.81	1,113.33	66,800	61.9	15.1		1.6	na	21107	5107790	187217
NoDak - Tunbridge	1294	10/9/2018	1,051.24	1.24	1,050.00	1,051.24	-	17.09	1,068.33	64,100	62.0	11.4		1.6	na	21107	5107790	187217
NoDak - Tunbridge	1297	10/11/2018	1,124.19	0.19	1,124.00	1,124.19	-	14.81	1,139.00	68,340	63.7	12.0		1.3	na	21107	5107790	187217
NoDak - Tunbridge	1298	10/11/2018	876.68	4.68	872.00	876.68	-	10.65	887.33	53,240	64.3	11.9		1.2	na	21107	5107790	187217
NoDak - Tunbridge	1305	10/17/2018	1,130.93	0.93	1,130.00	1,130.93	-	13.74	1,144.67	68,680	63.4	12.7		1.2	na	21107	5107790	187217
NoDak - Tunbridge	1306	10/17/2018	1,073.86	0.86	1,073.00	1,073.86	-	14.14	1,088.00	65,280	61.7	14.8		1.3	na	21107	5107790	187217
NoDak - Tunbridge	1309	10/18/2018	1,104.91	0.91	1,104.00	1,104.91	-	13.42	1,118.33	67,100	63.0	12.4		1.2	na	21107	5107790	187217
NoDak - Tunbridge	1311	10/19/2018	1,014.01	(1.99)	1,016.00	1,014.01	-	12.32	1,026.33	61,580	61.9	12.7		1.2	na	21107	5107790	187217
NoDak - Tunbridge	1313	10/22/2018	1,078.90	0.90	1,078.00	1,078.90	-	13.10	1,092.00	65,520	62.9	11.9		1.2	na	21107	5107790	187217
NoDak - Tunbridge	1069	9/14/2018	906.98	0.98	906.00	906.98	-	11.02	918.00	55,080	61.9	12.4		1.2	na	21396	5108920	na
NoDak - Tunbridge	1077	9/25/2018	964.97	(2.03)	967.00	964.97	2.94	11.76	979.67	58,780	61.7	14.1	0.6	1.2	na	21396	5108920	na
NoDak - Tunbridge	1303	10/15/2018	1,007.87	1.87	1,006.00	1,007.87	-	8.13	1,016.00	60,960	62.5	11.7		0.8	na	21396	5108920	na
NoDak - Rohrville	194	10/26/2018	968.55	-	968.55	968.55	-	20.78	989.33	59,360	61.6	13.4		2.1	na	21396	5108920	na
NoDak - Rohrville	204	10/30/2018	1,073.64	-	1,073.64	1,073.64	-	23.03	1,096.67	65,800	62.3	12.8		2.1	na	21396	5108920	na
NoDak - Rohrville	215	10/31/2018	1,099.52	-	1,099.52	1,099.52	-	14.48	1,114.00	66,840	61.1	12.1		1.3	na	21396	5108920	na