

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	
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	35 - Todd Timm
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Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 35 to Aff of AJS.pdf
Lead Document Page Count	3
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North Dakota Court's Information Technology Department 701-328-4218
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Claimant Name & Address
 Todd A. Timm
 1164 Hwy 9
 Kensal, ND 58455
 Home: 701-435-2926
 Cell: 701-320-3042
 kamytimm@daktel.com
 Attorney: Lawrence Kropp
 PH: 701-252-5505

Date Claim Filed: December 4, 2018
 Date Payment Demand Made: None

PSC Calculated value total: \$ 66,606.40
 Less other payments:

Total cash claim: \$ 66,606.40

	Settlement #	Date	date	Date	date
	246	10/30/2018			
ECGM Trade Confirmation #	21084	3/27/2018			
Seller Contract #	na				
Midwest Contract #	na				

Claim applied against:	Cash				
Commodity	Yellow Peas				
Contracted Price Per Bushel	\$ 6.95				
Contracted Bushels	10,000.00				
Delivered bushels*	9,680.46		-		-
Gross Amount Due*	\$ 67,279.20	\$	-	\$	-
Less Total Fees & assessments*	\$ 672.80	\$	-	\$	-
PSC calculated value*	\$ 66,606.40	\$	-	\$	-
Estimated Value per Midwest	\$ 70,734.67				
Claimant calculated claim	\$ 70,734.67				



Comments:

1. Summary:
 - a. Claimant submitted a complaint that was received by the PSC on 12-4-18 for yellow peas that had been delivered but no payment made.
 - i. PSC staff could not identify any check written to the claimant for the grain delivered based on currently available records.
 2. Differences in claim value explained:
 - a. Claimant and Midwest used the gross bushels while the PSC's calculations reflect using the net bushels in alignment with ECGM Trade Confirmation #21084.
 - b. Net bushels were calculated in the following manner:
 - i. Scale ticket uses hundred weight (CWT) as the unit of measure instead of bushels (bu).
 - ii. For hundred weight (CWT) it is 100 pounds (lbs.) per one CWT.
 - iii. For yellow peas it is a standard 60 pounds (lbs.) per bushel.
 - a. Yellow Pea standard test weight is 60 lbs.
 - iv. Dakota Dry Bean scale tickets show the amount of splits in CWT deducted from the gross CWT.
 - v. PSC calculated net bushels from the destination scale ticket information in the follow manner:
 1. Net bu. = $(100 * ((\text{destination net CWT}) + (\text{destination splits CWT}))) / 60$
 - a. Net bu. = $((\text{NET CWT}) + (\text{Splits CWT})) / 0.6$ is the shortened equation.
 - vi. The NET bushel calculation was rounded to two decimal places.
 - c. Neither Midwest nor the claimant correctly accounted for the deduction of the commodity checkoff fees that would be deducted prior to final settlement per standard industry practice.

Summary table of how value of each load calculated:

Destination Information - inbound				Pricing			Contracts				
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
Dakota Dry Bean - Crary	CRA001001646	10/1/2018	916.55	\$ 6.95	\$ 6,370.02	\$ 63.70	\$ 6,306.32	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001652	10/1/2018	954.87	\$ 6.95	\$ 6,636.35	\$ 66.36	\$ 6,569.99	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001661	10/2/2018	924.62	\$ 6.95	\$ 6,426.11	\$ 64.26	\$ 6,361.85	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001671	10/2/2018	967.27	\$ 6.95	\$ 6,722.53	\$ 67.23	\$ 6,655.30	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001681	10/3/2018	961.57	\$ 6.95	\$ 6,682.91	\$ 66.83	\$ 6,616.08	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001690	10/3/2018	951.17	\$ 6.95	\$ 6,610.63	\$ 66.11	\$ 6,544.52	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001696	10/4/2018	944.15	\$ 6.95	\$ 6,561.84	\$ 65.62	\$ 6,496.22	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001702	10/4/2018	1,021.55	\$ 6.95	\$ 7,099.77	\$ 71.00	\$ 7,028.77	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001706	10/5/2018	1,039.03	\$ 6.95	\$ 7,221.26	\$ 72.21	\$ 7,149.05	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001711	10/5/2018	999.68	\$ 6.95	\$ 6,947.78	\$ 69.48	\$ 6,878.30	246	21084	na	na

Summary table of how net bushels calculated:

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	Damage	Splits	FM	Estimate #	ECGM Trade	Seller Contract	Midwest Contract
Dakota Dry Bean - Crary	CRA001001646	10/1/2018	916.55	916.55	549.93	20.41	529.52	14.4	1.70	6.89	3.67	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001652	10/1/2018	954.87	954.87	572.92	23.76	549.16	14.2	1.53	7.84	2.53	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001661	10/2/2018	924.62	924.62	554.77	16.47	538.30	14.0	1.53	5.69	1.62	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001671	10/2/2018	967.27	967.27	580.36	20.60	559.76	14.1	1.50	6.59	2.06	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001681	10/3/2018	961.57	961.57	576.94	14.68	562.26	14.2	1.43	4.85	1.84	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001690	10/3/2018	951.17	951.17	570.70	16.28	554.42	14.0	1.70	5.42	2.31	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001696	10/4/2018	944.15	944.15	566.49	10.96	555.53	14.3	1.90	3.65	2.21	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001702	10/4/2018	1,021.55	1,021.55	612.93	13.57	599.36	14.5	2.01	4.17	1.78	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001706	10/5/2018	1,039.03	1,039.03	623.42	12.42	611.00	14.7	1.14	3.79	1.34	246	21084	na	na
Dakota Dry Bean - Crary	CRA001001711	10/5/2018	999.68	999.68	599.81	2.72	597.09	14.3	0.85	0.88	0.43	246	21084	na	na