

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	
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	38 - Josh Watterud
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Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 38 of Aff of AJS.pdf
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North Dakota Court's Information Technology Department 701-328-4218
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Claimant Name & Address
Josh Watterud 9520 5th Ave NE Columbus, ND 58727
Phone: 701-367-4875 Email: watterud_44@hotmail.com

Date Claim Filed	February 19, 2019
Date Payment Demand Made	none

PSC Calculated value total	\$	21,822.74
Less other payments		

\$ 21,822.74 **Total cash claim**

	Settlement #	Date	date	Date	date
	NA				
ECGM Trade Confirmation #	21343	6/1/2018			
Seller Contract #	NA				
Midwest Contract #	NA				
Claim applied against:					
Commodity	Cash				
	Yellow Peas				
Contracted Price Per Bushel	\$	6.85			
Contracted Bushels		10,000.00			
Delivered bushels*		3,217.98	-	-	-
Gross Amount Due*	\$	22,043.17	\$	-	\$
Less Total Fees & assessments*	\$	220.43	\$	-	\$
PSC calculated value*	\$	21,822.74	\$	-	\$
Estimated Value per Midwest					
Claimant calculated claim	\$	22,277.48			



Comments:

The claim is for three loads of yellow peas delivered between 9-25-19 through 10-2-18.

1. Differences in claim calculations explained:
 - a. Claimant used the price of \$6.80 per bushel whereas the PSC used \$6.85 per bushel. ECGM Trade Confirmation # 21343 states that the price paid to the seller is \$6.85 per bushel of yellow peas.
 - b. Claimant used the gross bushels not the net bushels delivered when calculating the claim amount
 - i. PSC calculations reflect using the net bushels delivered and applying the discount schedule from ECGM Trade Confirmation #21343.
2. Explanation on how PSC calculated NET bushels:
 - a. Per ECGM Trade Confirmation #21343 destination discount schedule was to be used.
 - b. The only difference between the destination discount schedule and the agreed terms of ECGM Trade Confirmation #21343 was that the destination deducted half of the total splits percentage from the gross hundred weight (CWT).
 - i. Per ECGM Trade Confirmation #21343 MGT was to pay for all splits.
 - ii. Therefore the volume of splits deducted on the destination scale ticket was added to the net volume of grain listed on the destination scale ticket to arrive at the net CWT that the claimant would be due payment.
 - c. Destination scale tickets used CWT, not bu. as their units of measure.
 - i. For hundred weight (CWT) it is 100 pounds (lbs.) per one CWT.
 - ii. For yellow peas it is a standard 60lbs. per bushel.
 - d. PSC calculated net bushels from the destination scale ticket information in the follow manner:
 - i. $\text{Net Bu.} = (100 * ((\text{destination net CWT}) + (\text{destination splits CWT}))) / 60$
 1. The NET bushel calculation was rounded to two decimal places.

Summary table of how value of each load calculated:

Elevator	Destination Information - inbound			Pricing			Contracts				
	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
Dakota Dry Bean - Crary	CRA001001573	9/25/2018	1,048.02	\$ 6.85	\$ 7,178.94	\$ 71.79	\$ 7,107.15	NA	21343	NA	NA
Dakota Dry Bean - Crary	CRA001001589	9/26/2018	1,099.53	\$ 6.85	\$ 7,531.78	\$ 75.32	\$ 7,456.46	NA	21343	NA	NA
Dakota Dry Bean - Crary	CRA001001660	10/2/2018	1,070.43	\$ 6.85	\$ 7,332.45	\$ 73.32	\$ 7,259.13	NA	21343	NA	NA

Summary table of how net bushels calculated:

Elevator	Destination Information - inbound			How net Bu. calculated			Scale ticket Grade Factors				Contracts			
	Scale Ticket #	Delivery Date	Net Bu	Per contract total CWT	Splits CWT	NET CWT	MST	DMG	Splits	FM	Estimate #	ECGM #	Seller Contract	Midwest Contract
Dakota Dry Bean - Crary	CRA001001573	9/25/2018	1,048.02	628.81	0.67	628.14	13.2	0.32	0.216	0.78	NA	21343	NA	NA
Dakota Dry Bean - Crary	CRA001001589	9/26/2018	1,099.53	659.72	1.04	658.68	13.9	0.22	0.310	0.69	NA	21343	NA	NA
Dakota Dry Bean - Crary	CRA001001660	10/2/2018	1,070.43	642.26	0.99	641.27	14.3	0.29	0.300	0.59	NA	21343	NA	NA