

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.

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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
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Filing Attorney	Mitchell Armstrong

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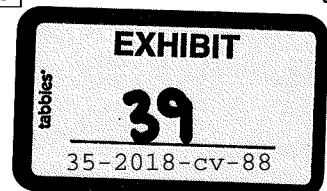
Claimant Name & Address
Paul Weyrauch
11382 62nd St NW
Ray, ND 58849-9282
701-568-2468 - home
701-570-9970 - cell
paul@yroch.us

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

PSC Calculated value total	\$	87,480.13
Less other payments		

\$ 87,480.13 **Total cash claim**

	Settlement #	Date	date	Date	date
ECGM Trade Confirmation #	243	10/30/2018			
Seller Contract #	21126	4/5/2018			
Midwest Contract #	NA				
	187210	4/4/2018			
Claim applied against:		Cash			
Commodity		Yellow Peas			
Contracted Price Per Bushel	\$	6.90			
Contracted Bushels		18,000.00			
Delivered bushels*		12,806.34	-	-	-
Gross Amount Due*	\$	88,363.75	\$	-	\$
Less Total Fees & assessments*	\$	883.62	\$	-	\$
PSC calculated value*	\$	87,480.13	\$	-	\$
Estimated Value per Midwest	\$	89,172.06			
Claimant calculated claim	\$	90,923.60			



Comments:

1. Summary:
 - a. Claimant received a check written by NoDak Grain #1061 for \$89,172.06 for nine loads of yellow peas that were delivered between 9-24-18 to 10-4-18. The check was written on 11-6-18. Claimant deposited the check however on 11-15-18 a "STOP PAYMENT" was issued on the check and the funds were subsequently removed from the claimant's bank account, per the claimants statement and a copy of the stop payment check that was included in the submitted claim documents.
2. Explanation of how NET bushels were calculated for Yellow Peas:
 - a. Per ECGM Trade Confirmation #21126 and Midwest Grain Trading Purchase contract #187210 all splits were to be paid at full price however not all destination scale tickets calculated NET bushels using the full amount of splits or bushels as their unit of measure.
 - b. For all loads delivered to AGT – Minot:
 - i. The AGT – Minot scale tickets have two separate forms of dockage identified in the "Dockage %" portion of the scale ticket.
 1. Per the phone conversation Mike McNamee had with AGT staff the forms of dockage are broken down as follows:
 - a. "dk" is actual dockage material.
 - b. "fd" is what AGT calls feed grain.
 2. Based on the conversation Mike had with AGT the grain identified as "fd" would be considered splits for the purposes of calculating the NET bushels delivered by the claimant based on the trade confirmation and purchase contract.
 - ii. PSC staff used the Gross pounds (unload weight on the scale ticket), multiplied that by the dockage percent for actual dockage ("dk" on scale ticket) and subtracted that amount from the gross pounds to get the NET pounds of grain delivered. The NET pounds of grain delivered was then divided by 60 (Yellow Pea standard test weight (TW) = 60lbs per bushel) to arrive at the NET bushels delivered.
 1. $\text{NET lbs.} = (\text{Gross lbs.}) - ((\text{Gross lbs.}) * (\text{dockage "dk" percentage}))$
 2. $\text{NET bu.} = (\text{NET lbs.}) / 60$
 - c. For the yellow pea loads delivered to Dakota Dry Bean – Crary:
 - i. Scale ticket used hundred weight (CWT) as the unit of measure instead of bushels.
 - ii. Dakota Dry Bean scale tickets show the amount of splits deducted from the gross CWT.
 - iii. $\text{NET bu.} = ((\text{NET CWT}) + (\text{Splits CWT}))/0.6$
 - d. For the loads delivered to NoDak Grain – Tunbridge PSC used the net bushel listed on the scale ticket.

3. Differences in claim calculations versus the PSC's calculations explained:

- a. Claimant based claim amount on the GROSS bushels delivered not the NET.
- b. Midwest did not correctly account for the amount of splits that were to be paid in full per the terms in ECGM Trade Confirmation #21126 and Midwest Contract #187210.
- c. Neither the claimant nor Midwest correctly accounted for the commodity checkoff fees that in a typical industry transaction be deducted prior to final settlement.

Summary table of how value of each load calculated:

Freight invoices		BOL Information		Destination Information - inbound			Pricing			Contracts					
Invoice #	Freight Hauled by:	BOL Date	BOL #	Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	Estimate #	ECGM #	Seller Contract	Midwest Contract
MGT 02	D & D Dirt Works LLC	9/23/2018	1	NoDak-Tunbridge	1075	9/24/2018	1,225.00	\$ 6.90	\$ 8,452.50	\$ 84.53	\$ 8,367.97	243	21126	NA	187210
MGT 02	D & D Dirt Works LLC	9/24/2018	2	NoDak-Tunbridge	1076	9/24/2018	1,203.00	\$ 6.90	\$ 8,300.70	\$ 83.01	\$ 8,217.69	243	21126	NA	187210
MGT 02	D & D Dirt Works LLC	9/25/2018	3	DakDryBean-Crary	1001580	9/25/2018	1,215.85	\$ 6.90	\$ 8,389.37	\$ 83.89	\$ 8,305.48	243	21126	NA	187210
MGT 02	D & D Dirt Works LLC	9/26/2018	4	DakDryBean-Crary	1001597	9/26/2018	1,162.68	\$ 6.90	\$ 8,022.49	\$ 80.22	\$ 7,942.27	243	21126	NA	187210
MGT 02	D & D Dirt Works LLC	9/27/2018	5	DakDryBean-Crary	1001619	9/27/2018	1,172.67	\$ 6.90	\$ 8,091.42	\$ 80.91	\$ 8,010.51	243	21126	NA	187210
MGT 02	D & D Dirt Works LLC	9/28/2018	6	DakDryBean-Crary	1001637	9/28/2018	1,174.70	\$ 6.90	\$ 8,105.43	\$ 81.05	\$ 8,024.38	243	21126	NA	187210
MGT 03	D & D Dirt Works LLC	10/1/2018	7	DakDryBean-Crary	1001651	10/1/2018	1,150.05	\$ 6.90	\$ 7,935.35	\$ 79.35	\$ 7,856.00	243	21126	NA	187210
MGT 03	D & D Dirt Works LLC	10/2/2018	8	DakDryBean-Crary	1001672	10/2/2018	1,151.52	\$ 6.90	\$ 7,945.49	\$ 79.45	\$ 7,866.04	243	21126	NA	187210
MGT 03	D & D Dirt Works LLC	10/3/2018	9	AGT Foods-Minot	M18642	10/3/2018	1,118.09	\$ 6.90	\$ 7,714.82	\$ 77.15	\$ 7,637.67	243	21126	NA	187210
MGT 03	D & D Dirt Works LLC	10/3/2018	10	AGT Foods-Minot	M18655	10/3/2018	1,115.82	\$ 6.90	\$ 7,699.16	\$ 76.99	\$ 7,622.17	243	21126	NA	187210
MGT 03	D & D Dirt Works LLC	10/4/2018	11	AGT Foods-Minot	M18676	10/4/2018	1,116.96	\$ 6.90	\$ 7,707.02	\$ 77.07	\$ 7,629.95	243	21126	NA	187210

Summary table of how net bushels for loads delivered to AGT Foods – Minot calculated:

Destination Information - inbound				How NET Bu of Y. Peas Calculated(AGT) Sale ticket Grade Factor				Contracts					
Elevator	Scale Ticket #	Delivery Date	Net Bu	Net Lbs (peas + splits)	FM lbs (FM% * G.lbs.)	Gross Lbs (unloaded weight)	MST	Splits	FM/ Dock	Estimate #	ECGM #	Seller Contract	Midwest Contract
AGT Foods-Minot	M18642	10/3/2018	1,118.09	67,085.20	814.80	67,900	10.75	0.9	1.2	243	21126	NA	187210
AGT Foods-Minot	M18655	10/3/2018	1,115.82	66,949.40	950.60	67,900	10.75	1.3	1.4	243	21126	NA	187210
AGT Foods-Minot	M18676	10/4/2018	1,116.96	67,017.30	882.70	67,900	10.82	1.7	1.3	243	21126	NA	187210

Summary table of how net bushels for loads delivered to Dakota Dry Bean calculated:

Destination Information - inbound				For Dakota Dry bean scale tickets						Scale ticket Grade Factors			Contracts		
Elevator	Scale Ticket #	Delivery Date	Net Bu	Per Contract CWT	DDB Splits CWT	DDB Net CWT	MST	Dmg	Splits	FM/ Dock	Estimate #	ECGM #	Seller Contract	Midwest Contract	
DakDryBean-Crary	1001580	9/25/2018	1,215.85	729.51	1.74	727.77	10.5	0.61	0.47	0.94	243	21126	NA	187210	
DakDryBean-Crary	1001597	9/26/2018	1,162.68	697.61	0.95	696.66	10.9	0.67	0.27	0.63	243	21126	NA	187210	
DakDryBean-Crary	1001619	9/27/2018	1,172.67	703.60	1.07	702.53	10.3	0.41	0.3	0.63	243	21126	NA	187210	
DakDryBean-Crary	1001637	9/28/2018	1,174.70	704.82	1.92	702.90	10.9	0.63	0.53	2.10	243	21126	NA	187210	
DakDryBean-Crary	1001651	10/1/2018	1,150.05	690.03	1.36	688.67	11.0	0.31	0.39	0.69	243	21126	NA	187210	
DakDryBean-Crary	1001672	10/2/2018	1,151.52	690.91	3.34	687.57	10.6	1.20	0.94	1.57	243	21126	NA	187210	