

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	41 - Woodworth Farmers Grain Co
Activity Requested	EFileAndServe
Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 41 to Aff of AJS.pdf
Lead Document Page Count	4
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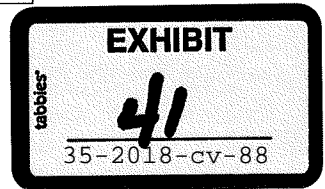
Claimant Name & Address	
Woodworth Farmers Grain Co.	
Box 59	
Woodworth, ND 58496	
Contact: Steve Wick	
Ph: 701-752-4143	
wfgrain@daktel.com	
chgrain@daktel.com	

Date Claim Filed	January 17, 2019
Date Payment Demand Made	None

PSC Calculated value total	\$	137,711.66
Less other payments		

\$ 137,711.66 **Total cash claim**

	Settlement #	Date	date	Date	date
ECGM Trade Confirmation #	227	10/4/2018			
Seller Contract #	21227	4/27/2018			
Midwest Contract #	NA				
	NA				
Claim applied against					
Commodity		Cash			
		Spring Wheat			
Contracted Price Per Bushel	\$	5.91			
Contracted Bushels		25,000.00			
Delivered bushels*		22,385.18		-	-
Gross Amount Due*	\$	137,711.66	\$	-	\$
Less Total Fees & assessments*	\$	-	\$	-	\$
PSC calculated value*	\$	137,711.66	\$	-	\$
Estimated Value per Midwest	\$	131,701.66			
Claimant calculated claim		~ \$133,579.77			



Comments:

1. Claimant states that they had three separate agreements between them and Midwest Grain Trading:
 - a. ECGM Trade Confirmation #21193 for 25,000 bushels of spring wheat.
 - i. It was a basis agreement. All records indicate that the cash price established was \$5.91 per bushel.
 - ii. A NoDak Grain Check (#1047) was issued on 11-2-18 for \$162,930.12 and was successfully deposited.
 1. Midwest records indicate check was written against Midwest Grain Trading Estimate #228
 - b. ECGM Trade Confirmation #21674 for 50,000 bushels of spring wheat.
 - i. It was a basis agreement. All records indicate that the cash price established was \$5.91 per bushel.
 - ii. A Midwest Grain Trading check (#1656) was issued on 10-5-18 for \$320,038.08 and was successfully deposited.
 1. Midwest records indicate check was written against Midwest Grain Trading Estimate #169
 - c. ECGM Trade Confirmation #21227 for 25,000 bushels of spring wheat.
 - i. It was a basis agreement. All records indicate that the cash price established was \$5.91 per bushel.
 - ii. Based on all currently available records, the PSC could not identify that a check had been issued.
 1. Midwest Grain Trading Estimate #227 was written against this agreement per notes made in Midwest's records.
 - d. Based on the WoodWorth Farmers Grain Co. submitted claim documents they were paid successfully for the grain delivered on Midwest Estimates #169 and #228.
 - e. The claimant did not include a Midwest Estimate nor destination scale tickets for the grain that was delivered that they are making a claim against Midwest Grain Trading for an estimated amount of \$133,579.77.
2. Differences in claim calculations explained:
 - a. Midwest Estimate #227
 - i. Scale ticket #155166 (ADM-Hensler) was listed on the Estimate as only 184.12 bushels however the scale ticket listed 1184.12 net bushels.
 1. The scale ticket was not listed on any other Midwest Estimate
 2. The claimant's documents did not show any reason that this scale ticket should've been split between settlements.
 3. PSC Staff concluded this was an error in entering the net bushel amount into Midwest's system. (forgot to type an additional 1)
 - ii. The PSC's calculations reflect using the full net bushels as stated on the scale ticket.
- b. The claimants calculated claim differs because:

- i. The claimant's calculated amount reflects the bushels on the BOL's that the claimant had issued with each outbound load, not the net bushels on the respective destination scale tickets as previously agreed upon. (ECGM Trade Confirmation #21227)
 1. Destination Weights and Grades
- ii. The claimant did not have the destination scale tickets and therefore could not use destination grades to calculate the applicable premiums and discounts.
 1. The claimant acknowledged this in their original statement made to the PSC that was received on January 17, 2019.
- iii. For Scale Ticket #154896 (ADM-Hensler) and WoodWorth BOL #11686:
 1. Claimant included 14.99 bushels of the above listed load in their claim calculations.
 2. Based on documents obtained from Swenseth Law Firm on 2-5-19 that had documents including Midwest Estimate #228 that listed scale ticket #154896 for the full net bushel amount of 1,106.99 bushels.
 3. Also Estimate #228 was included in the claimant's submitted claim documents and stated that the grain had been paid for.
 - a. Midwest Estimate #228 was paid by NoDak Grain check #1047 for \$162,930.12
 - b. Claimant indicates that payment in full for Estimate #228 was successful.
 - c. PSC could not find any documentation to support that the load of grain in question was ever split for partial settlement.
 4. PSC claim value calculations do not include any amount for this load of grain.

Summary table of how value of each load calculated:

BOL Information		Destination Information - inbound			Pricing			Scale ticket Grade Factors					Contracts						
BOL Date	BOL #	Bushels	Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Prem. & Disc. per bu	Net Price per Bu	NET Amount Due	TW	MST	Ergot	Protein	Dock	Estimate #	ECGM Trade	Seller Contract	Midwest Basis
9/5/2018	11686	1,112.67	ADM-Hensler	154896	9/5/2018	1,106.99	\$ 5.91	\$ 0.30	\$ 6.21	\$ 6,797.53	63.0	12.7		14.5	0.6	228	21193	NA	NA
9/5/2018	11688	1,099.33	ADM-Hensler	154922	9/5/2018	1,094.61	\$ 5.91	\$ 0.20	\$ 6.11	\$ 6,998.39	62.3	12.6		14.6	0.7	227	21227	NA	NA
9/11/2018	11694	1,150.00	ADM-Hensler	155148	9/11/2018	1,145.40	\$ 5.91	\$ 0.10	\$ 6.01	\$ 7,116.56	62.5	13.1		14.5	0.4	227	21227	NA	NA
9/11/2018	11695	1,193.00	ADM-Hensler	155166	9/12/2018	1,184.12	\$ 5.91	\$ -	\$ 5.91	\$ 6,943.66	63.3	12.0		14.2	0.8	227	21227	NA	NA
9/18/2018	11717	1,202.67	Osnabrock FE - Nekoma	176361	9/19/2018	1,174.90	\$ 5.91	\$ 0.10	\$ 6.01	\$ 7,235.08	62.9	12.5		14.1	2.2	227	21227	NA	NA
9/18/2018	11719	1,213.00	Osnabrock FE - Nekoma	176360	9/19/2018	1,203.84	\$ 5.91	\$ 0.20	\$ 6.11	\$ 7,250.61	63.9	11.8		14.3	1.0	227	21227	NA	NA
9/19/2018	11720	1,196.67	Osnabrock FE - Nekoma	176394	9/19/2018	1,186.68	\$ 5.91	\$ 0.40	\$ 6.31	\$ 7,289.06	62.9	12.2		14.4	1.0	227	21227	NA	NA
9/19/2018	11721	1,187.00	Osnabrock FE - Nekoma	176400	9/19/2018	1,155.16	\$ 5.91	\$ 0.20	\$ 6.11	\$ 7,420.23	61.2	12.5		14.8	2.6	227	21227	NA	NA
9/14/2018	11768	1,223.33	ADM-Hensler	155368	9/17/2018	1,214.44	\$ 5.91	\$ 0.20	\$ 6.11	\$ 7,384.55	64.1	11.5		14.4	0.7	227	21227	NA	NA
9/17/2018	11769	1,193.00	ADM-Hensler	155388	9/17/2018	1,208.60	\$ 5.91	\$ 0.20	\$ 6.11	\$ 7,343.36	64.9	11.9	0.02	14.4	0.5	227	21227	NA	NA
9/16/2018	11770	1,215.70	ADM-Hensler	155419	9/17/2018	1,201.86	\$ 5.91	\$ 0.20	\$ 6.11	\$ 7,615.27	63.7	12.0		14.5	0.7	227	21227	NA	NA
9/17/2018	11901	1,193.00	ADM-Hensler	155445	9/17/2018	1,188.03	\$ 5.91	\$ 0.50	\$ 6.41	\$ 7,615.27	62.7	12.5		15.1	0.5	227	21227	NA	NA
9/17/2018	11902	1,187.00	ADM-Hensler	155446	9/17/2018	1,183.72	\$ 5.91	\$ 0.30	\$ 6.21	\$ 7,350.90	62.8	13.0		14.6	0.5	227	21227	NA	NA
9/17/2018	11905	1,109.33	ADM-Hensler	155462	9/18/2018	1,111.96	\$ 5.91	\$ 0.30	\$ 6.21	\$ 6,905.27	62.8	12.7		14.7	0.6	227	21227	NA	NA
9/17/2018	11906	1,213.00	ADM-Hensler	155449	9/18/2018	1,209.14	\$ 5.91	\$ 0.50	\$ 6.41	\$ 7,750.59	62.4	12.4		15.0	0.4	227	21227	NA	NA
9/18/2018	11911	1,227.67	ADM-Hensler	155509	9/18/2018	1,213.26	\$ 5.91	\$ 0.40	\$ 6.31	\$ 7,655.67	61.7	12.5		14.9	1.2	227	21227	NA	NA
9/19/2018	11912	1,192.67	Osnabrock FE - Nekoma	176437	9/19/2018	1,176.86	\$ 5.91	\$ 0.20	\$ 6.11	\$ 7,190.61	62.4	12.1		14.5	1.6	227	21227	NA	NA
9/19/2018	11913	1,214.67	Osnabrock FE - Nekoma	176459	9/20/2018	1,197.10	\$ 5.91	\$ 0.10	\$ 6.01	\$ 7,194.57	63.1	11.7		14.3	1.5	227	21227	NA	NA
9/19/2018	11914	1,195.00	Osnabrock FE - Nekoma	176405	9/19/2018	1,166.97	\$ 5.91	\$ 0.30	\$ 6.21	\$ 7,246.88	62.7	12.0		14.7	2.1	227	21227	NA	NA
9/20/2018	11915	1,181.00	Osnabrock FE - Nekoma	176536	9/20/2018	1,168.53	\$ 5.91	\$ 0.10	\$ 6.01	\$ 7,022.87	62.8	11.5		14.3	1.0	227	21227	NA	NA