

**Crockford, Konrad S.**

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**From:** efilinmail@tylerhost.net  
**Sent:** Friday, November 01, 2019 09:59  
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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	
<b>Court</b>	Pierce County - Northeast District
<b>Case Number</b>	35-2018-CV-00088
<b>Case Style</b>	Public Service Commission vs. Hunter Hanson d/b/a NoDak Grain, et al.
<b>Date/Time Submitted</b>	11/1/2019 9:03 AM CST
<b>Date/Time Accepted</b>	11/1/2019 9:55 AM CST
<b>Accepted Comments</b>	
<b>Filing Type</b>	Exhibit
<b>Filing Description</b>	44 - Rodney Sauer
<b>Activity Requested</b>	EFileAndServe
<b>Filed By</b>	Mitchell Armstrong
<b>Filing Attorney</b>	Mitchell Armstrong

Document Details	
<b>Lead Document</b>	Exhibit 44 to Aff of AJS.pdf
<b>Lead Document Page Count</b>	2
<b>File Stamped Copy</b>	<a href="https://northdakota.tylerhost.net/ViewDocuments.aspx?FID=a6ebdde1-8b16-4aea-a915-0387df97f9d3">View Stamped Document</a>
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North Dakota Court's Information Technology Department 701-328-4218  
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**Claimant Name & Address**  
 Rodney J. Sauer  
 7440 40yh Ave. NW  
 Carpio, ND 58725  
 701-720-1172  
 rjsauer@srt.com

**Date Claim Filed** March 14, 2019  
**Date Payment Demand Made** None

PSC Calculated value total \$ 29,945.82

Amount applied to I.F. \$ 29,945.82  
 80% up to \$280,000 max. \$ 23,956.66

	Settlement #	Date	date	Date	date
ECGM Trade Confirmation #	202	9/14/2018			
Seller Contract #	21169	4/16/2018			
Midwest Contract #	na				
	12003	4/16/2018			
Claim applied against:	Indemnity Fund				
Commodity	Spring Wheat				
Contracted Price Per Bushel	\$ 5.32				
Contracted Bushels	5,000.00				
Delivered bushels*	4,844.78				
Gross Amount Due*	\$ 30,018.49				
Less Total Fees & assessments*	\$ 72.67				
PSC calculated value*	\$ 29,945.82				
Estimated Value per Midwest	\$ 30,502.97				
Claimant calculated claim	\$ 30,018.49				



**Comments:**

**1. Summary**

- a. Claim was received by the PSC on March 14, 2019.
- b. Claim Form stated that four loads of spring wheat totaling 4,844.78 bushels and valued at \$30,018.49 had not been paid for.
  - i. Claimant also stated that there was a market value loss of \$1.30/bu on 9,200 bushels of yellow peas that were never delivered.
- c. Claim documents also included ECGM trade confirmations, scale tickets and BOL's for the grain delivered and unpaid.

**2. Difference in Claim Calculations Explained:**

- a. Midwest did not correctly calculate protein premiums and discounts listed on ECGM #21169 / Midwest Basis Contract #12003.
- b. Neither Midwest nor the claimant accounted for the commodity checkoff fees that would be deducted prior to final settlement per industry standard practice.

**3. Notes:**

- a. Midwest Basis Contract #12003 has credit sale contract language.
- b. PSC final calculations reflect treating this contract as valid and applied it against the Indemnity Fund.

Summary table of how value of each load calculated:

BOL Information		Destination Information - inbound				Pricing					Scale ticket Grade Factors				Contracts				
BOL Date	BOL #	Elevator	Scale Ticket #	Delivery Date	Net Bu	Base Price per Bushel	Prem & Disc per bu	Net Price per Bu	Gross Amount Due	Checkoff	NET Amount Due	TW	MST	Protein	Dock	Estimate #	ECGM #	Seller Contract	Midwest Contract
9/7/2018	616	Osnabrock FEC - Nekoma	175959	9/7/2018	1,160.28	\$ 5.32	\$ 0.80	\$ 6.12	\$ 7,100.91	\$ 17.40	\$ 7,083.51	63.5	11.2	15.7	1.0	202	21169	na	12003
9/7/2018	462	Osnabrock FEC - Nekoma	175958	9/7/2018	1,146.42	\$ 5.32	\$ 0.90	\$ 6.22	\$ 7,130.73	\$ 17.20	\$ 7,113.53	63.4	11.4	15.8	0.8	202	21169	na	12003
9/11/2018	633	ADM - Hensler	155160	9/11/2018	1,275.88	\$ 5.32	\$ 0.90	\$ 6.22	\$ 7,935.97	\$ 19.14	\$ 7,916.83	62.9	11.0	15.9	0.4	202	21169	na	12003
9/10/2018	631	ADM - Hensler	155075	9/10/2018	1,262.20	\$ 5.32	\$ 0.90	\$ 6.22	\$ 7,850.88	\$ 18.93	\$ 7,831.95	64.1	10.7	15.8	0.3	202	21169	na	12003