

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
Date/Time Accepted	11/1/2019 9:55 AM CST
Accepted Comments	
Filing Type	Exhibit
Filing Description	45 - Travis Zabloutney
Activity Requested	EFileAndServe
Filed By	Mitchell Armstrong
Filing Attorney	Mitchell Armstrong

Document Details	
Lead Document	Exhibit 45 to Aff of AJS.pdf
Lead Document Page Count	3
File Stamped Copy	View Stamped Document
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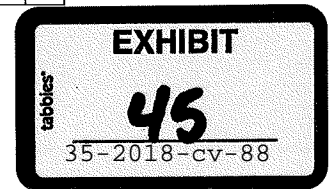
Claimant Name & Address	
Travis R. Zabloutney	
1119 12th Ave SW	
Minot, ND 58701	
Phone: 701-721-2188	
quadtrac@min.midco.net	

Date Claim Filed	March 5, 2019
Date Payment Demand Made	None

PSC Calculated value total	\$	17,818.85
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Amount applied to I.F.	\$	17,818.85
80% up to \$280,000 max.	\$	14,255.08

	Settlement #	Date	date	Date	date
ECGM Trade Confirmation #	137				
Seller Contract #	21172	4/16/2018			
Midwest Contract #	NA				
	12007	4/16/2018			
Claim applied against:	Indemnity Fund				
Commodity	Spring Wheat				
Contracted Price Per Bushel	\$	5.43			
Contracted Bushels		10,000.00			
Delivered bushels*		2,929.77	-	-	-
Gross Amount Due*	\$	17,862.79	\$	-	\$
Less Total Fees & assessments*	\$	43.94	\$	-	\$
PSC calculated value*	\$	17,818.85	\$	-	\$
Estimated Value per Midwest	\$	18,435.98			
Claimant calculated claim	\$	18,435.98			



Comments:

1. Summary

- a. Claim was received by the PSC on March 5, 2019.
- b. Claim was for 2,929.77 bushels of spring wheat valued at \$18,435.98.
- c. Claim documents included claim form, claimant's summary of the claim, ECGM trade confirmations, Midwest contracts, Midwest Estimate #137 and corresponding scale tickets, copy of Midwest check #1658.
- d. Midwest wrote check #1658 on 10-5-18 in the amount of \$18,435.98 for three loads of spring wheat listed on Midwest Estimate #137.
 - i. On 11-9-18 claimant deposited the check.
 - ii. On 11-15-18 claimant received notice that the Midwest account had been closed and thus the check returned and the grain remains unpaid.

2. Differences in claim calculations explained:

- a. Claimant based the amount off of Midwest Estimate #137 and the returned check (#1658)
- b. Midwest deducted a 0.7% withholding tax for some unknown reason which was not included in the PSC's calculations.
- c. Neither the claimant nor Midwest accounted for the commodity checkoff assessment that would be deducted prior to final settlement.
- d. Per industry standard practice Midwest did not apply the loads to the contract with the earliest delivery period whereas the PSC did.
 - i. Midwest applied the grain to ECGM #21659 that has a delivery period of 8-1-18 to 8-31-18.
 - ii. PSC applied the grain to ECGM #21172 that has a delivery period of 7-1-18 to 7-31-18.
 1. Midwest also had a Basis Fixed Grain Purchase contract in conjunction with the ECGM trade confirmation #21172.
 - a. This contract was included in the claimant's documents and is a credit-sale contract.
 2. This agreement is a basis contract with a \$0.34 basis under the JULY18 futures. The contract was rolled to the SEP18 futures month at the cost of \$0.10 thus resulting in new basis of \$0.44 basis under the SEP18 futures.
 - a. Futures were priced on July 25, 2018 at \$5.87 futures price.
 - b. Cash price equals \$5.43 = \$5.87 - \$0.44

Summary table of how value of each load calculated:

Elevator	Destination Information - inbound			Pricing					Scale ticket Grade Factors				Contracts				
	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 Trade	Seller Contract	Midwest Contract
Osnabrock FCE - Nekoma	173489	7/27/2018	999.19	\$ 5.43	\$ 0.70	\$ 6.13	\$ 6,125.03	\$ 14.99	\$ 6,110.04	60.7	13.8	15.5	1.2	137	21172	NA	12007
Osnabrock FCE - Nekoma	173544	7/27/2018	966.94	\$ 5.43	\$ 0.60	\$ 6.03	\$ 5,830.65	\$ 14.50	\$ 5,816.15	60.8	13.5	15.3	1.4	137	21172	NA	12007
Osnabrock FCE - Nekoma	173713	7/31/2018	963.64	\$ 5.43	\$ 0.70	\$ 6.13	\$ 5,907.11	\$ 14.45	\$ 5,892.66	60.0	13.4	15.4	1.3	137	21172	NA	12007