

USD
OAL/JCHD

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2005 FEB 11 PM 3:13

RECEIVED

In re:)	Docket No. AO-313-A4888
)	DA-04-06
Milk in the Central Marketing Area)	
7 C.F.R. Part 1032)	
)	

Certification of Transcript

THIS IS TO CERTIFY that, to the best of my knowledge and belief, the attached is a true transcript of the testimony given at the oral hearing held before me from December 6 through 8, 2004, in Kansas City, Missouri, in the Matter of Milk in the Central Marketing Area, except for immaterial or typographical errors and the following corrections:

I am directing the Hearing Clerk to allow all attached requested corrections submitted by the parties. Requested corrections were submitted by the Agricultural Marketing Service, by Charles M. English on behalf of Dean Foods Company, by Ryan K. Miltner on behalf of Select Milk Producers, Inc. and Continental Dairy Products, Inc., and by Marvin Beshore on behalf of Dairy Farmers of America, Inc., and Prairie Farms Dairy, Inc. The four lists of requested corrections are attached.

I also certify that the attached forty-six (46) exhibits were those identified and admitted into evidence at the hearing.

Done at Washington, D.C.
this 11th day of February 2005



MARC R. HILLSON
Chief Administrative Law Judge

MARVIN BESHORE

Attorney at Law

130 STATE STREET, P.O. BOX 946

HARRISBURG, PA 17108-0946

Email: mshore@mblawfirm.com

Telephone: (717) 236-0781

Fax: (717) 236-0791

January 19, 2005

VIA EMAIL AND U.S. MAIL

Joyce A. Dawson, Hearing Clerk
United States Department of Agriculture
Room 1081, South Building
1400 Independence Avenue, S.W.
Washington, D.C. 20250-9200

RECEIVED
2005 JAN 27 PM 3:16
USDA
OALJ/OHC

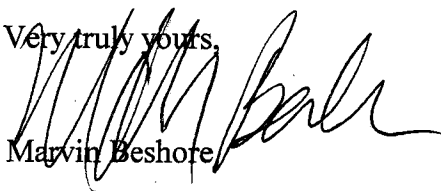
**In Re: Milk in the Central Marketing Order Area
Docket Nos. AO-313-A48, and DA-04-06**

Dear Ms. Dawson:

Enclosed are four copies of "Proposed Corrections to the Transcript Submitted on behalf of Dairy Farmers of America, Inc. and Prairie Farms Dairy, Inc." for the above captioned case.

If you have any questions, please do not hesitate to call. Thank you for your cooperation.

Very truly yours,


Marvin Beshore

MB:ch
Enclosures

- cc: Judge Marc Hillson (via email w/attachment)
Gino Tosi, USDA (via email w/attachment)
Jack Rower, USDA (via email w/attachment)
Carol Warlick, USDA (via email w/attachment)
Garrett Stevens, USDA (via email w/attachment)
Dana Coale, USDA (via email w/attachment)
John Vetne, Esquire (via email w/attachment)
Charles M. English, Esquire (via email w/attachment)
Elvin Hollon, DFA (via email w/attachment)
Robert Vander Linden, Acting Market Administrator (via email w/attachment)
Gary Lee, Prairie Farms (via email w/attachment)
Ryan Miltner (via email w/attachment)

BEFORE THE UNITED STATES DEPARTMENT
OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

USDA
OALJ/OHC

2005 JAN 27 PM 3:16

RECEIVED

In re:

Milk In the Central Order
Marketing Area

)
) Docket Nos.: AO-313-A48, DA-04-06
)
)
)

**Proposed Corrections to the Transcript Submitted on behalf of
Dairy Farmers of America, Inc., and Prairie Farms Dairy, Inc.**

Dairy Farmers of America, Inc.(DFA), and Prairie Farms Dairy, Inc., file herewith corrections to the transcript of this hearing.

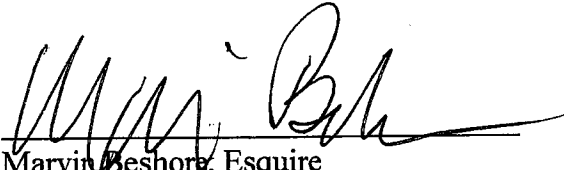
<u>Page</u>	<u>Line</u>	<u>Change Transcript From</u>	<u>To</u>
7	16	they	the
18	20	prepare	prepared
25	20	should	it should
39	25	was	were
43	4	are	is
51	24		delete "in a"
53	12	he	it
62	16		insert "I" after "First"
70	1	is	are
78	8		insert "a" before "million"
198	8		insert "I" before "would"
224	9	they	there
224	25	shares	share

<u>Page</u>	<u>Line</u>	<u>Change Transcript From</u>	<u>To</u>
225	19	proposal	proposals
227	10	the	be
262	15	comparison	comparisons
267	20	can	have
273	4	demonstrate	demonstrates
306	10-16		The sentences should read: “Typically on a hauler’s route, the truck is full on the delivery run and on the return the truck is empty. So the cost of delivery is assessed against the truck when it’s full, because that’s what you’re doing to earn your keep, so to speak.”
342	5	has	have
347	7		insert “because” after “just”
355	5	handler	handlers
358	1	shift	ship
387	10	effecting	affecting
432	19-20		The sentence should read: “That is not the slice of the business I work in.”
516	2	drive	derive

<u>Page</u>	<u>Line</u>	<u>Change Transcript From</u>	<u>To</u>
539	5	books	trucks

Respectfully Submitted,

Date: January 19, 2005


Marvin Beshore, Esquire
Pa. I.D. #31979
130 State Street, P. O. Box 946
Harrisburg, PA 17108-0946
(717) 236-0781
Attorney for DFA

USDA
OALJ/OHC

Warlick, Carol

2005 JAN 27 PM 1:46

From: Richmond, William
Sent: Thursday, January 06, 2005 10:24 AM
To: Green, Diane -DAEXCH
Cc: Rower, Jack; Warlick, Carol
Subject: AO-313-A48 Transcript Corrections
Attachments: KC Transcript Corrections_1.6.05.xls

RECEIVED

Good morning Diane,

Attached is an electronic version of the corrections to the transcript for the Central Federal milk order hearing. (I delivered a paper version a few minutes ago) If you need anything please feel free to give me a call at 720-0758.

Thanks,
Bill Richmond
Dairy Programs

Corrections to Transcript - Central Order Hearing; December 6-9, 2004

CORRECTIONS TO TRANSCRIPT - December 6, 2004

PAGE	LINE	IS	SHOULD BE
7	16	they	the
10	17	order formulation and enforcement branch	Order Formulation and Enforcement Branch
10	21	order formulation and enforcement branch	Order Formulation and Enforcement Branch
10	25	order formulation and enforcement branch	Order Formulation and Enforcement Branch
18	20	prepare	prepared
26	8	proponent	component
71	16	Marketing	Market
71	24	Marketing	Market
72	10	Elvin	Evan
92	5	so	to
148	22	of	and
149	9	that	to
164	22	New York pooled	New York milk pooled
166	5	reasonable	reason

CORRECTIONS TO TRANSCRIPT - December 7, 2004

PAGE	LINE	IS	SHOULD BE
193	1	of sources	sources
227	10	the	be
228	6	turned	termed
229	14	meeds	needs
248	4	§ .13	§ _____ .13
250	14	that	than
267	20	concluded	conclude
355	5	handler has	handlers have
387	20	many	much
420	21	3-5	3.5
421	2	a proprietor	proprietary
432	20	work in	I work in
447	7	new	New
458	4	V	IV
481	5	oval	over
481	7	DFS	DMS
493	23	70,000	70

CORRECTIONS TO TRANSCRIPT - December 8, 2004

PAGE	LINE	IS	SHOULD BE
560	25	my	by
575	23	peak	speak
576	3	severing	servicing
645	17	ber43	be
648	7	was left	left
651	12	this	in
657	7	area	areas

661	22	in this case	milk
663	6	We are urge	We urge
748	17	amendment	amend
758	21	other	otherwise
759	21	sometimes	times
780	5	was the	was of the
783	24	is a caused	is caused
796	25	handler	handlers
824	5	stabled	stapled
827	3	My any family's	In my family's
828	3	moment	whom
845	13	like	Mike
893	21	performing	conforming

Yale Law Office, LP
ATTORNEYS AT LAW

USDA
OALJ/OHC

2005 JAN 21 AM 10:33

Benjamin F. Yale*
Kristine H. Reed†
Ryan K. Miltner*

527 North Westminster Street
P.O. Box 100
Waynesfield, Ohio 45896-0100
(419) 568-5751
Fax: (419) 568-6413
Website: www.yalelawoffice.com

*also admitted in New Mexico and Texas

†also admitted in Indiana

*also admitted in Michigan

RECEIVED

January 19, 2005

Joyce Dawson, Hearing Clerk
United States Department of Agriculture
Stop 9200- - Room 1081
1400 Independence Ave., SW
Washington, D.C. 20250-9200

VIA FEDERAL EXPRESS


**Re: Corrections to Hearing Transcript; Milk in the Central Order Marketing Area;
Docket AO 313-A48; DA 04-06**

Dear Ms. Dawson:

Please find enclosed four copies of Corrections to the Hearing Transcript submitted by Select Milk Producers, Inc. and Continental Dairy Products, Inc..

If you have any questions regarding this submission, please contact this office.

Sincerely yours,
Yale Law Office, LP


Ryan K. Miltner

Enclosures

cc: (via e-mail) to Judge Marc Hillson, Garrett Stevens, Jack Rower, Carol Warlick, William Richmond, Marvin Beshore, Charles English, Elvin Hollon, John Vetne, Al Ricciardi



2005 JAN 21 AM 10:34

RECEIVED

**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

In re:) DOCKET NOS. AO-313-A48
MILK IN THE CENTRAL ORDER) DA-04-06
MARKETING AREA)

**TRANSCRIPT CORRECTIONS
SUBMITTED ON BY BEHALF OF SELECT MILK PRODUCERS, INC,
AND CONTINENTAL DAIRY PRODUCTS, INC.**

Page	Line (s)	Change
26	8	strike "proponent" and replace with "component"
592	9	strike "deficiencies" and replace with "efficiencies"

Respectfully submitted,
RYAN K. MILTNER
YALE LAW OFFICE, L.P.
527 NORTH WESTMINSTER STREET
P.O. BOX 100
WAYNESFIELD, OHIO 45896
(419) 568-5751
(419) 568-6413 FAX

USDA
OALJ/OHC

Theien Reid & Priest LLP
Attorneys At Law

Charles M. English, Jr.
202.508.4159 Direct Dial
202.654.1842 Direct Fax
cenglish@thelenreid.com

2005 JAN 21 AM 10:34

RECEIVED

701 Pennsylvania Avenue, N.W., Suite 800
Washington, DC 20004
Tel. 202.508.4000
Fax 202.508.4321
www.thelenreid.com

January 19, 2005

VIA FEDERAL EXPRESS

Ms. Joyce Dawson
Hearing Clerk
United States Department of Agriculture
Room 1081
1400 Independence Ave., S.W.
Washington, D.C. 20250

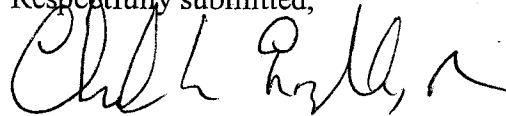
Re: **Corrections to Hearing Transcript; Milk in the Central Marketing Area;
Docket No. AO-313-A48; DA-04-06**

Dear Ms. Dawson:

Please find enclosed four copies of Corrections to the Hearing Transcript submitted on behalf of Dean Foods Company.

If you have any questions regarding this submission, please contact this office.

Respectfully submitted,



Charles M. English, Jr.

CME/sf
Enclosures

cc: **Judge Marc R. Hillson**
Marvin Beshore, Esq. (via e-mail)
John H. Vetne, Esq. (via e-mail)
Garrett B. Stevens, Esq. (via e-mail)
Robert Vander Linden (via e-mail)
Jack Rower (via e-mail)
Carol S. Warlick (via e-mail)

DC #184443 v1

USDA
OALJ/OHC

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2005 JAN 21 AM 10:34

RECEIVED

IN RE:

MILK IN THE CENTRAL ORDER
MARKETING AREA

DOCKET NOS. AO-313-A48;
DA-04-06

CORRECTIONS TO HEARING TRANSCRIPTS

SUBMITTED BY
DEAN FOODS COMPANY

Charles M. English, Jr.
Thelen Reid & Priest LLP
701 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20004

Attorneys for Dean Foods Company

Page	Line	Change
7	16	"they" change to "the"
18	20	"prepare" change to "prepared"
26	8	"proponent" change to "component"
32	18	"Class I" change to "Class II"
33	24	"improved" change to "approved"
49	4	"milk as pooled" change to "milk pooled"
52	8	"companies" change to "company"
63	9	".703540" change to ".703530"
69	10	"1,600" change to "1,600,000"
72	10	"Elvin" change to "Evan"
73	12 & 13	move "," after the word "came" and place after the word "from"
93	23	"includes" change to "concludes"
97	18	Insert the word "I" before the word "appreciate"
98	5	"class" change to "plants"
98	9	Insert "," after the word "plants"
98	10	Insert "," after the word "plants"
117	19	"location of adjustments," change to "location adjustments,"
126	13	"pooling" change to "depooling"
137	15	"ingress" change to "regrets"
174	21	"384" change to "484"
306	10	"router" change to "route"
324	16	"large" change to "small"
347	7	"Just Kansas City" change to "Just because Kansas City"
358	1	"shift" change to "ship"
362	8	"paid" change to "pay"
372	3	"influential" change to "implement"
387	20	"many" change to "much"
393	19	"properties" change to "proprietary"
394	1	"didn't." change to "did it."
397	11	"to mull again" change to "a mulligan"
398	10	"uptake" change to "up tic"
420	21	"3/5" change to "3.5%"
423	10	"for" change to "or"
425	18	"dairying the" change to "dairying in the"
432	19	"busy" change to "business"
432	2	"work" change to "I work"
447	13	"DFA select" change to "DFA, Select"
448	13	"select" change to "Select"
454	5	"approved" change to "achieved"
461	5	"disowned" change to "zoned"
463	13	"would be" change to "would not be"
467	24	delete "Be"
481	5	"oval" change to "over"
481	7	"DFS" change to "DMS"
483	7	delete "Be"
483	19	delete "no"
486	16	Insert the word "it" after the word "is"
486	21	"1,250,000,000" change to "1,250,000"
487	13	"nit or here about them," change to "nit, here or there, about them"
489	24	"so-called" change to "so-call"

Page	Line	Change
489	25	"opposed" change to "oppose"
491	15	"concerns" change to "returns"
493	23	"70,000" change to "70"
494	3	delete "a"
494	12	"was" change to "were"
494	13	"pool" change to "depool"
494	15	add the words "chance to" after the word "a"
494	18	"contracting" change to "contract"
494	19	insert the word "of" after "effect"
502	18	"computer" change to "computed"
524	12	"32" change to "33"
539	5	"books" change to "trucks"
540	23	delete "Be"
541	19	delete "a"
542	14	"cost" change to "Class I"
553	22	"John" change to "Joe"
557	16	"decided" change to "dedicated"
576	3	"severing" change to "serving"
577	12	"haulers" change to "handlers"
579	17	"lowered" change to "loaded"
603	16	"in form." change to "informed."
606	12	"stock weight" change to "stop charge"
619	2	insert "extra copies" after the word "were"
621	6	"master's" change to "Masters"; "agri business" change to "Agri-Business"
621	8	"agriculture economics" change to "Agricultured Economics"
621	20	insert "the" after the word "by"
635	3	"say" change to "pay"
636	1	delete "he"
643	9	I said "long-term" what I should have said was "short" long was in the written docu
645	17	"ber43" change to "be"
648	8	"as" change to "an"
661	22	"additional in" change to "additional milk in"
663	6	"are" change to "also"
672	23	insert "that" after the word "handler"
679	5	"building" change to "bill"
681	16	"Pat" change to "Pet"
682	6	"Pat" change to "Pet"
686	22	"planking" change to "ramping"
693	15	delete "by"
718	3	"that" change to "but"
724	14	"move" change to "moves"
724	15	"stand-along" change to "stand-alone"
747	8	"read" change to "be"
760	6	"While I would correct there" change to "Would I be correct"
760	7	delete "been part of" and insert "departed"
763	10	"that" change to "from"
800	19	"that htought" change to "that he thought"
821	9	"a" change to "on"
824	5	"stabled" change to "stapled"
845	13	"like" change to "Mike"

Page	Line	Change
846	2	"cow," change to "cows,"
864	3	"announce" change to "announced"