

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In the Matter of:)	DOCKET NO. AO-368-A32;
)	
MILK IN THE PACIFIC NORTHWEST)	AO-271-A37; DA-03-04
)	
AND ARIZONA – LAS VEGAS)	
)	
MARKETING AREAS)	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 September 23-25, 2003, in Phoenix (Tempe), Arizona, from November 17-21, 2003, in Seattle, Washington, and from January 20-22, 2004, in Alexandria, Virginia in the Matters of Milk in the Pacific Northwest and Arizona-Las Vegas Marketing Areas, except for immaterial or typographical errors and the following corrections:

I have instructed the Hearing Clerk to allow all attached requested corrections submitted by the parties with the exception of four corrections offered by Mr. Yale on behalf of Edaleen Dairy, Mallories Dairy, Sarah Farms and Smith Brothers Farms and objected to by Mr. Beshore on behalf of Dairy Farmers of America, Inc. I note that there was an unusual amount of difficulty in generating an accurate transcript of this hearing, as reflected by the voluminous corrections submitted by the parties. Thus, rather than listing the corrections, which would require the generation of a document approximately 40 pages in length, I am simply attaching the list of corrections requested by the participants in the hearing and directing that all requested corrections, except for the four I discuss below, be made by the Hearing clerk.

With respect to the four contested corrections, I note that the purpose of corrections is to allow the transcript to more accurately state what was said at the hearing. While there were numerous gaps in the transcript, most of them were eventually corrected. Where there is a dispute over what was said, and there is no tape to support either party, I am leaving the transcript as is. Nor will I allow counsel to supply after the fact rationale as to why a witness did not answer a question. Thus, I sustain the objections to Mr. Yale's proposed corrections requesting that (1) a partial answer be stricken (page 1125, lines 10-23), (2) an after-the-fact explanation of a witness' declining to respond to a question be added (page 1941, line 21) and (3) the adding of a question that apparently was lost in transcription (page 1988, line 6). With respect to Mr. Yale's request to add language at page 2280, line 16, the transcriber did find the previously lost language and lines 16-17 are corrected to read as follows:

--I would say in this case, they are more efficient, but the risk factors are substantially different for them, too.

I also certify that the attached sixty-nine (69) exhibits were those identified and admitted into evidence at the hearing.

Done at Washington, D.C.

this 1st day of June 2004

MARC R. HILLSON
Chief Administrative Law Judge

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