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BEFORE THE UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

In the Matter of Milk in the
Florida Marketing Area

7 CFR Part 1006
Docket No.: AO-18-0008
AMS-DA-17-0068

DEAN FOODS COMPANY'S BRIEF AND PROPOSED FINDINGS AND
CONCLUSIONS IN REGARDS TO PROPOSAL TO ENACT A TEMPORARY CHARGE
ON CLASS I MILK TO PROVIDE EMERGENCY REIMBURSEMENT TO HANDLERS
AND PRODUCERS

This post hearing brief is submitted on behalf of the Dean Foods Company. Dean Foods Company owns and operates three distributing plants regulated by the Florida FMMO and fully supports the proposal submitted by the dairy cooperatives at the Hearing to provide for temporary amendments to order language under emergency rulemaking authority that would authorize limited reimbursement of funds to handlers who experienced extraordinary losses because of Hurricane Irma.

Hurricane Irma was without question an extraordinary situation that critically affected all parties across the dairy supply chain in Florida. Testimony given at the Hearing established, in tremendous detail, the extreme impact of the Hurricane on Florida's dairy industry both in terms of the additional cost burdens shouldered by milk handlers as well as the down time of production facilities.

In light of these circumstances, Dean Foods supports the treatment of this as an emergency hearing and further supports the proposed temporary \$0.09/cwt surcharge on Class I handlers to fund reimbursement of the losses of Florida milk handlers as the result of Hurricane Irma. This method would be the most efficient means of generating the funds necessary to cover the hurricane-related losses suffered by Florida's milk handlers.

To be clear, however, we support this proposed increase only to the extent it funds reimbursement of losses sustained because of Irma. We propose that funds generated above and beyond the amount necessary to pay all claims be returned on a pro-rated basis to the handlers who paid into the pool during the time the surcharge is in effect. As testimony at the Hearing established, this method of returning excess funds is consistent with the way similar excess funds were distributed following a temporary surcharge imposed on Class I processors to offset losses of milk handlers in Florida in 2004 following a hurricane.

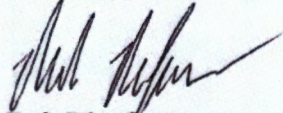
In Florida, Dean Foods relies on both a cooperative milk supply as well as direct milk supply relationships with individual producers. Although Dean did not provide testimony at the Hearing

because of time constraints, we also shouldered additional costs for our direct milk shippers in Florida as a result of having to divert milk shipments away from our Florida milk production facilities.

We have read the transcript of the Hearing and the proposal submitted by the Cooperatives, and we believe that the proposal, if adopted, would allow an effective process for all Florida milk handlers to submit claims to Federal Order 6 for reimbursement of losses incurred as a result of Hurricane Irma.

Thank you for allowing us to submit a brief on this matter and your consideration of our position.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Blaufuss", with a stylized flourish extending to the right.

Rob Blaufuss

Senior Manager, Dairy Risk Management and Economics
Dean Foods Company
Dallas, TX 75204
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Leach-Carlos, Renee - OHA-OALJ, Washington, DC

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Subject: Dean Foods Post Hearing Brief AO-18-0008
Attachments: Dean Foods Company Post Hearing Brief AO-18-0008.pdf

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Good Afternoon,

Dean Foods submits the attached post-hearing brief on the Matter of Milk in the Florida Marketing Area, AO Docket No. 18-0008.

Please confirm receipt of this document.

Warm Regards,

Rob

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CERTIFICATE OF SERVICE

Milk in Florida

Docket #: 18-0008

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the DEAN FOODS COMPANY'S POST-HEARING BRIEF has been furnished and was served upon the following parties on January 8, 2018 by the following:

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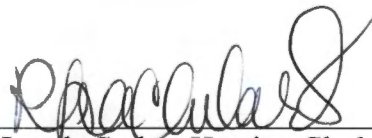
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Respectfully Submitted,



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