



1400 Independence Avenue, SW.
Room 2968-S, STOP 0225
Washington, DC 20250-0225

Mr. Jeffrey Sims
Assistant Secretary
Southern Marketing Agency, Inc.
13011 West Highway 42, Suite 206
Prospect, Kentucky 40059

Dear Mr. Sims:

This is in response to your letter dated April 26, 2013, requesting suspension of the transportation credit balancing fund provisions of the Southeast and Appalachian Federal milk marketing orders.

Ex-parte communication rules (7 C.F.R. § 900.16) are in effect for two open rulemaking proceedings regarding the Southeast and Appalachian marketing orders:

1. **AMS-DA-07-0059**, *Milk in the Appalachian, Florida and Southeast Marketing Areas*; Interim Order Amending the Orders, Interim Final Rule; and,
2. **AMS-DA-09-0001**, *Milk in the Appalachian and Southeast Marketing Areas*, Interim Order Amending the Orders, Interim Final Rule.

Ex-parte rules prohibit the US Department of Agriculture from discussing the merits of any proposed changes to Federal milk order provisions with any party having an interest in the proceeding.

Since your letter violates ex-parte communication rules applicable to both proceedings, it will be entered into the official hearing record by the Office of the Hearing Clerk and posted to the Dairy Programs website.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana H. Coale", written over a faint rectangular stamp.

Dana H. Coale
Deputy Administrator
Dairy Programs