

Day 4 - Friday, September 13, 2002

Page	Line	Remove	Insert
1071	7	Schedule	Federal
1072	2	Vetne	Mr. Vetne
1072	6	VETNE	BESHORE
1072	7-8		MR. ENGLISH: He's not here, and it's not limited. Nothing's been that limited on Proposal 7.
1073	11	I've heard	after reading
1073	13	mischaracterizations from	mischaracterizations from my testimony from
1073	13-14	the day before the hearing,	I pulled
1074	6	non-pasteurized milk	non-fat dry milk
1074	22	see - -	seek
1074	23	see the market taking a look at	seek marketwide service payments for
1075	10	why - - part of the reason	one of the reasons
1075	13	ABC&E	ADCNE
1075	16	Agmark	Agrimark
1076	1	the final	the tentative final
1076	11	still	so
1076	13	that final	that tentative final
1076	17	appropriate.	appropriate to do that for balancing.
1076	20	that	as it
1077	7	ABC\$E	ADCNE
1077	9	that although	that rather although
1077	9	disagreed	agreed
1077	12	ABC&E	ADCNE
1077	23	ABC&E	ADCNE
1078	12	guidance	payments
1078	15	RDS	RCBS
1079	13	individual - -	individual plant

1079	19	RDCS	RCBS
1080	5	other	butter
1080	5	RTCS	RCBS
1080	19	RTCS	RCBS
1081	11	RTCS	RCBS
1082	22		A: (before) This would be...
1082	23		Q: (before) To balance that...
1082	24	isolated?	isolated for you by the Ling study?
1084	5	you relied	you can rely
1084	16	That what you're	That this morning you're
1084	17		A: (before) I'm saying
1084	17		Q: (before) Are you talking...
1084	21	near at	near or at
1085	1	last	Class III
1086	3	about the	about covering the
1086	6	you know	Gino
1087	18	-- prices	Class IV prices
1088	18	Class 4?	Class 4, there's a revenue side?
1089	5-6	the opportunity	a premium
1089	15	RTCS	RCBS
1090	14	These costs were just for Ling.	We looked at just relating costs.
1091	14	use a	using
1091	15	Do	do
1091	15	?	.
1091	19	That's true.	*strike*
1091	20	So,	That's true. So,
1091	23	payments to an amount	payments, the amount
1092	7	butter or powder.	butter powder plant.
1092	21-22	about to make is	came out with for the make allowance is

1094	6	mutually	inter-
1096	17	following changes	following pay date changes
1097	12	is	it's
1099	24	credit	present
1101	22	the posts	those
1102	4	end users	entities
1106	19	He	We
1107	19	on what, the 26th or 28th of the month?	on...
1107	21	A The 26th, but it depends	A The 26th or 28th of the month, but it depends on ...
1108	7	pay	buy
1109	3	pay.	pay month.
1110	8	left	kept
1111	15	renewability of costs	availability of co-ops
1111	24	it	which
1112	2	to	of
1112	9	A Yes	*strike*
1112	10	Q - - that pool	A Yes, that pool
1112	11	Do you	Q Do you
1113	19	an	other
1114	24	whom we have our agreement with?	*strike*
1115	1	with?	Q Whom we have our agreement with?
1115	13	pay	paid
1115	21	if the proposal	if Proposal II
1116	2	have	*strike*
1116	3	been in	create
1117	16	field	those
1118	14	out of order is	having appeared before is
1120	22	Folks	Quotes

1122	1	have heavy work	having worked
1122	2	Orders. It appears	Orders appears
1122	4	farmer	farmers
1123	22	current	timed
1124	20	writing	riding
1125	3	needed. I	needed. This would discourage the practice of riding the pool. I ...
1126	3	- -	Friday the sixth
1126	5	that important	that distinction important
1127	7	that	Federal
1127	7	that	Federal
1127	18	theirs were	their movements
1128	2	datesQ	dates
1130	12	go to	both
1131	6	in	through
1132	10	at all	in the Fall
1132	19	was to	which would
1136	19	that - -	that, did
1139	23	coming	going
1140	5	has	was
1143	7	to	did
1143	7	use	needs
1143	8	received	receive
1144	5	bigger	better
1144	21	or	through
1146	1	ABC&E	ADCNE
1146	2	they	*strike*
1146	2	were.	were, but one.
1148	15	And	A plant
1148	15	it	*strike*
1150	23	Enslar	Arms

1151	6	Enslar	Arms
1151	23	here.	at Worcester Creameries.
1152	11	A	Q
1153	4	were ordered	, in a static world,
1153	6	your experience	your real world experience
1154	5	"market period".	"free ride" period.
1154	17	for the longest time.	to prolong this.
1155	1	(insert)	MR. ENGLISH
1155	2	(insert)	MR. BESHORE
1155	4	(insert)	MR. ENGLISH
1155	6	(insert)	MR. BESHORE
1155	9	(insert)	MR. BEULOW
1155	12	Q	A
1155	12	Would	Whether
1155	13	for a period of time.	for a period of time it would eliminate it for a period of time.
1155	14	A It would eliminate it for a period of time.	*strike*
1156	15	, not	, if not
1156	22	ENGLISH	VETNE
1157	14	ENGLISH	VETNE
1159	14	to enjoy four	they've enjoyed for four
1165	5	qualified	qualify
1166	17	during	endures
1167	9	not fully	not now fully
1175	7	at a	at the Cuba
1177	1	one class?	the blend price?
1181	1	20	40
1181	24	those	Minnesota
1184	16	Order,	Ordr language
1186	8	former?	order?

1186	24	market	for other markets
1187	1	provisions	provision
1187	17	of	for
1187	19	Dairies.	Dairies concern.
1188	2	to 5 percent.	to 5 percent in nine.
1188	16	we	you
1189	6	first year - -	first year of reform
1189	9	full	pool
1191	3	so,	so Chip,
1192	23	was	were
1192	24	plant?	plant, monthly?
1193	17	care	products
1194	14	to Class	to any Class
1195	6	reconcile the	reconcile, having
1195	9	if we	who
1195	21	- - and	pay
1195	21	to	the
1196	16	that fall under the	, the conglomerate
1197	15	I understood	I completely understood
1199	2	approved	denied
1200	1	we're	you're
1200	3-4	as much information as	the bits of information that
1200	6	become	come
1200	16	on	from
1200	17	come	be
1204	14	Proponents' Proposals	Proponents' for Proposals
1209	4	4	40
1209	4	6	60
1212	2	illustrious	arsonous
1212	7	decades.	decades, dating back to the days of Herb Forrest' leadership.

1212	7	Why in the entire	Wisely at the time of
1212	8	did USDA fail	USDA failed
1212	9	Order?	Order.
1212	13	request for	requested level of
1212	15	pay	drain
1212	20-21	to subsidize	to further subsidize
1213	6	you can't find a	he didn't think a
1213	14	on its	honest
1213	16	shipped it over to	shifted over to
1213	19	Lee	Lea
1214	1	the	*strike*
1214	10	screw	screwing
1214	12	screw	screwing
1214	14	transit	tragic
1214	19	to MA	to the MA
1215	3	Betty	Brenda
1215	7	sections	protections
1216	13	\$780,000	\$750,000
1217	2	we'll	we might be able to
1217	9	But think	But I think
1217	15	thrown	threw
1217	18	that they would	perhaps they could
1217	24	was	is
1220	1	that it	that with it
1220	5	for information	for some information
1222	13	was	were
1224	1	among	non-
1224	1	our	non
1225	15-16	I can't read my own writing.	I hope that adds up because I can't read my own writing.

1226	6	see	conceive of
1226	18	says a	sends the
1226	21	wouldn't	would
1229-1234	16-19	insert on Page 1259 Line 10	
1239	13	proposed	proposal
1246	21	Chuck	Chip
1247	1	on	*strike*
1247	1	one you're making your recommendation on	matter to which you're making reference?
1247	3	Yes.	Yes, Exhibit 26 was admitted yesterday and became Table 1, we discussed it at that time.
1247	12	show	shown
1248	9	and the	*strike*
1249	11	issue	issuance
1249	16	proponent	component
1254	24	i	in
1258	20	full	pool
1259	8	practicable	practicle
1259	9	This concludes our	Could you continue with your
1259	10	3.	MR. ENGLISH: 3, which is Exhibit 36. We've already asked the court reporter to enter in the first part which is the language of the proposal.
1259	21	in jointly	*strike*
1260	13	risen	arisen
1260	23	or	are
1261	5	thing	things
1261	20	Dairy members	Dairy Foods Inc. members
1261	23	to put	but
1261	24	proposal.	proposal is unchanged.
1262	7	period	credit
1262	11	Farmers	Foods

1263	12	correct?	for January through July, correct?
1263	16	any	the
1263	21	Your Honor,	*strike*
1263	23	market	Northeast
1263	24	I cannot accept that	John Vetne
1264	9	BY MR. BESHORE	*strike*
1264	24	You	We
1265	3	which pool handlers lie?	January through July?
1265	9	I have	I did have
1266	16	didn't	do
1267	6	be for	equal
1267	10	that	then
1267	11	our	that
1268	10	Chuck	Chip
1269	2	of the	there is a
1270	23	need	mean
1271	9	you - - you	you Dave, you
1272	2	basis of	biggest
1273	2	an issue	easier
1273	9	need to - - well, being	, it could very well be
1274	6	in	*strike*
1274	7	said, that they did not achieve pool status	bemoaned achieved their non-pool status
1274	16	longer available	longer really available
1276	1	belong	bemoan
1276	1-2	if you have two or fewer	the fact fewer and fewer
1276	15	answer for	manage
1276	20	sources	source
1276	24	and come on to the pool when	, becoming nonpool when

1277	5	Wood	Hood
1277	19	Market	for Other Markets
1277	24	diversion?	inversion?
1279	7	to make a	the mega
1279	11	his price is	its priced at
1279	11	that	of
1279	12	receives it.	receipt.
1280	2	milk.	milk in the city.
1280	23	pool	the
1281	17-18	as in	as proposed in
1282	4	handlers.	handlers, the time value of money.
1282	11	penalizing them	penalized
1282	20	But not to	To
1283	12	that they	the date
1283	13	need	meet
1283	15	It's better	Better
1284	8	delay it to	delay, if
1284	8	it	*strike*
1285	15	Page 18?	Page 18, Agrimark?
1286	10	our - -	our group
1286	24	milk.	amount.
1287	1	Q Now, - -	*strike*
1288	6	9-B	9-D
1288	8	9-B	9-D
1288	21	pool	group
1289	15	Because there are	Are those
1289	19	prior - - from	*strike*
1289	21	Milk has been	If milk is being
1289	24	have	bear
1291	20	be	meet

1291	21	is	put
1291	21	range	rate
1292	2	Would	When
1292	2	and	you
1292	11	would the	would if the
1292	14	To the	A
1293	2	the order	the Northeast order
1293	11	in turn	earn or
1294	6	in	then
1294	8	in	of
1296	1	something a	something about a
1296	17	is what	to establish
1297	7	just	adjust
1297	10	with	for
1301	6	of independent	of committed independent
1302	21	- - represent	And supply plant shipments represent
1303	18	them	it
1304	3	market?	Market Administrator?
1304	9	the	a
1304	10	plant	plants
1304	13	The	I mean
1304	14	MR. VETNE	JUDGE BAKER:
1305	21	now mark	have marked
1306	20	perhaps be	press
1307	5	ENGLISH	BESHORE
1308	11	16th	"16th"
1308	11	the	"the"
1308	12	payment	payment"
1308	17	16th of the month	"16th of the month"
1309	4	opportunistic pooling	"opportunistic pooling"

1310	16-17	paper accounting	"paper accounting"
1312	16	local	"local"
1312	17	local	"local"
1314	16-17	300 farms times 31 days	,9300 farms X 3,333 pounds per farm per day X 31 days) for the pool. This would then allow, via diversions, the split manufacturing pool plant to pool 961 million pound of milk.
1316	18	free-ride	"free-ride"
1317	20	X	38
1317	11	November	November,
1317	12	year-round	,year-round,
1319	2	free-ride	"free-ride"
1319	3	July	July,
1320	10-11	free-ride	"free-ride"
1321	11	milk	milk,
1323	13	de facto	"de facto"
1330	24	that Federal	that during Federal
1331	24	as our	are
1333	13	curve	period
1335	17	a correction	a handwritten correction
1335	22	Formal	former
1335	24	in there	on the left
1336	3	in	and
1336	4	received	receipts
1336	6	of	*strike*
1337	8	I have	I don't have
1340	5	quoted	disclosed
1340	21	Q	A
1340	22	that milk	not enough
1340	22	whoever	whatever
1340	22-23	to mask it to handlers	to mask it for, to few of handlers
1340	24	bit	bit, but...

1341	9	did	do
1341	24	pack	impact
1342	10	intended	attempted
1343	12	had to be brought	got diverted
1343	19-20	Class I prices or	Class I plants if it
1344	6	that column	that meant the column
1344	10	that	every
1344	13	to Class 4.	to the Class 4 column.
1344	22	MP	entity
1345	1	entity.	entity doing it.
1346	22	b	by
1347	20	plant intended	plant is intended
1349	18	and a	and also advocated a
1352	4	A	*strike*
1352	23	(e)	*strike*
1353	13	Farmer Market	Farmer for Other Markets
1354	19	Maine, when	Maine, Oakhurst Dairy, when
1354	20	processed	caused
1355	20	Chateaugay, - -	Leprino.
1356	2	Chateaugay,	Leprino.
1356	17	agent	agency
1357	6	to be	to meet
1358	4	it's just an oversight. This	there's another set of, if it
1358	16	I would - - I would say that regulation.	I would assume through that regulation. That's the way it is pooled.
1359	20	7-C.	7-C plant.
1359	24	There have been some individual problems	There's a problem
1361	4	that.	nothing.
1361	8-9	I did testify	I can just say

1363	15	here,	that thought otherwise,
1363	24	(Chorus of ayes)	*strike*
1364	3	Barnes	Arms
1365	22	"1.	Section 1001.7(e)(1).
1365	24	Paragraph	paragraph
1366	7	located	included
1368	1	Skim-84	Skim at the plant-84
1368	2	for Skim-16 percent,	utilization amounted to 16 percent on the skim,
1368	14	wold	would
1368	21	60	50
1369	13	- - let's put the	Hood could put
1369	21	February, the	February, shown in Exhibit 5, the
1369	23	as plant	as nonpool plant
1369	23	plant's normal	Class I
1370	2	-way	-away
1370	14	as a	*strike*
1370	21	in	through
1370	22	in	Agawan and
1371	4	only has a condensed plant	presently has a condenser at the plant
1371	6	off	member milk moved on.
1371	9	of a	of the
1371	12	(insert)	Q Transfer, you mean the
			A Transferee plant
1371	21	take	kick
1371	23	pool	rules
1371	24	use. There's no model for any Class III.	use exclusively. Doesn't allow any Class III.
1372	2	new	unit
1372	5	in	*strike*

1372	6	from the pool provisions	for reasons
1372	16	Vernon would	Vernon facility would.
1372	22	You have included now any	You would include in there any
1373	10	and it has	because they have
1373	13	include in	make clear for
1373	15	milk	it up
1374	1	available is	available in the zones is
1374	2	250	\$2.50
1374	3	315	\$3.15
1374	4	250 and 315	\$2.50 and \$3.15
1374	18	transfer	transferor
1375	5	efficiency	the provision
1375	12	got to get	tough to get requested
1375	14	4	2
1376	22	you	he
1377	2	Honor, I	Honor, in the other evidence category, I
1377	9	Mark	Market
1377	23	present	predecessor
1378	2	bit unclear	bit vague or unclear
1378	13	example, the	example, ok let's limit it to this, the
1380	3	MR. ENGLISH: Are you going to	MR.BESHORE: We already
1380	18	Order that was issued	Order decision
1380	21	for 1987.	for May 1, 1987.
1381	7	if the	each
1381	9	can	intend
1381	16	come up in the brief	show up on brief
1381	17	feel you're entitled to	give
1381	17	somewhat advanced	somewhat of advanced

1381	20	MR. ENGLISH: We don't	MR. VETNE: Just so we don't
1381	21	exclusion.	exclusion of others.
1382	5	understand that.	absolutely agree with you.
1382	19	to establish	the rules established
1382	19-20	the Order	how they would work
1382	20	109	10978
1382	23	Marketing	Milk Marketing
1383	4	and/or	and over order
1383	12	Marketing	Milk Marketing
1383	18	is granted	basically is limited
1384	8	the proposed	the submission proposed
1384	17	my	our
1385	5	the proposed	the submission of proposed
1386	1	them	that
1386	9	that.	such proceeding.
1386	12	you may have	you will make this
1386	24	I don't have a problem with	On the matter of filing
1388	1	later on.	the next day or after the weekend.
1388	8	through?	to Mr. Tosi?
1388	16	been	not been clearly
1389	8	MR TOSI:	MR: ENGLISH: