

USDA
OALJ/HCO

UNITED STATES DEPARTMENT OF AGRICULTURE

2004 OCT 29 A 8: 54

BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
MILK IN THE UPPER MIDWEST)
)
MARKETING AREA)

Docket No. AO-361-A39; DA-04-03

RECEIVED

Certification of Transcript

In accordance with 7 C.F. R. §900.10, this is to certify that to the best of my knowledge and belief that the exhibits that are transmitted with the transcript are all of the exhibits that were introduced at the hearing, and that the original transcript that is transmitted herewith is a true transcript of the testimony given at the hearing except for the following specified corrections that the Hearing Clerk is directed to note upon the official record copy of the transcript by adding or crossing out (but without obscuring the text as originally transcribed):

Day 1 (August 16, 2004)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
13	14	“incase” change to “in case”
17	13	“2 nd January” change to “June”
22	17	“Summery” change to “Summary”
24	13	“admissions” change to “admission”
29	10	“1035.55,” change to “1035.55.”
30	7	“and” change to “an”
32	3-4	“November of 2003, January” change to “November, December of 2003; January”
32	20	“summery” change to “summary”
35	9	“had” change to “have”
39	6	“used” change to “use”
43	10	“an” change to “and”
46	13	“Gilman’s” change to “yoemen’s”
52	10	“affect” change to “effect”

Day 1 (August 16, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
52	22	“affects” change to “effects”
53	1	“affects” change to “effects”
53	16	“is 8 cents;” change to “is a negative 8 cents;”
56	16, 19	“6,000 change to “6,131”
56	20	“15.8 or .9” change to “15.8 or .9 thousand”
64	21	“at” change to “it”
65	1	“since” change to “sense”
66	7	“Price” change to “price”
66	18, 19	“user” change to “reserve”
69	2	“estimated eligible producer milk not pooled” change to “Estimated Eligible Producer Milk Not Pooled”
71	25	“are” change to “were”
73	6	“apple” change to “apples”
73	24	“been” change to “driven”
75	20	“priced” change to “price”
75	24	“reported” changed to “was reported”
76	4	“hall” change to “haul”
76	21	“came” change to “became”
78	5	“incase” change to “in case”
79	5	“IF” change to “if”
85	7	“Your” change to “You’re”
94	3	“order” change to “Order”

Day 1 (August 16, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
96	5	delete "to"
98	6	"member" change to "members"
101	24	"referred" change to "referring"
121	23	"base." change to "based."
127	19	"Jim" change to "Chip"
135	22	"capitals" change to "cooperatives"

Day 2 (August 17, 2004)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
151	25	"event" change to "evident"
153	12	"old staff" change to "pooled stuff"
154	10	"power" change to "par"
164	1	"simulated" change to "stimulated"
166	7	"depend" change to "depends"
173	5	delete "a"
174	17	"you" change to "You"
208	2	"12.5" change to "\$12.50"
210	10	"understanding" change to "understand"
210	11	"keep that in" change to "limit"
210	13	"incase" change to "in case"
211	15, 16	"affected" change to "effected"
213	1	"affect" change to "effect"
213	4	"records" change to "record"
213	6, 16	"future's" change to "futures"

Day 2 (August 17, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
233	10	“identify” change to “identified”
237	16	“It sure it.” change to “It sure is.”
241	22	“of” change to “a”
245	3	“if pooled” change to “in pool”
249	6	“Holland” change to “Hollon”
253	3	“summery” change to “summary”
254	5	“47,000” change to “47,500”
255	25	“summery” change to “summary”
261	6	“member’s” change to “members”
261	21	“summery” change to “summary”
264	5	“hundred weight” change to “hundredweight”
278	10	“participates” change to “participants”
287	1	“BMS” change to “DMS”
288	9	“38” change to “68”
288	9	“38” change to “30”
288	16	“believe” change to “belief”
289	10	“families” change to “parties”
289	24	“if proposals” change to “if these proposals”
290	18	“a” change to “an”
291	19	“marketing” change to “Market”
296	6	delete “and”
300	25	“Order” change to “Orders”

Day 2 (August 17, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
306	13	“interesting” change to “interested”
312	4	“producers” change to “producers”
312	13	“RVSB” change to “rBST”
320	12	“Tonak’s” change to “Tonak”
320	12	“your” change to “is your”
327	21	“proves” change to “prove”
335	2	“to” change to “the”
336	8	“facilities” change to “facilitates”
351	13	“SCC” change to “CCC”
386	15, 22	“up” change to “of”
401	11	“contributing” change to “distributing”
401	21	“a block” change to “a bloc”
401	21	“his block” change to “his bloc”
402	1	“seconds” change to “second”
402	3	“a block” change to “A bloc”
405	25	“chain” change to “changed”
406	9	“incase” change to “in case”
407	9	“ambulate” change to “emulate”
408	7	“no” change to “not”
409	1	“aversions” change to “diversions”
410	14	“bear” change to “bare”
413	7	“higher than” change to “higher price than”
413	7	“Class 1 price” change to “Class 1 price, cheese plants”
415	3	“Orderers” change to “Orders”

Day 3 (August 18, 2004)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
427	2	“One” change to “one”
428	2	“few” change to “view”
428	18	“Reno” (phonetic) change to “Renault”
435	13	“belief” change to “believe”
439	23	“to” change to “too”
447	15	“pond” change to “beyond”
448	4	delete “requesting”
448	16	“going” change to “doing”
448	24	“2, but who have” change to “2, who have”
449	17	“depooled” change to “the pooled”
456	10	“pug” change to “powder”
457	14	“fees” change to “pools”
464	9	“Ag or Business” change to “Agri-Business”
466	12	“make” change to “take”
469	13	“that” change to “that the”
469	21	“a” change to “A”
469	22	should read “is distributing; regulation is mandated, (B), the UHT”
469	23	should read “distributing; regulation is mandated, Paragraph (C), is
469	24	should read “a supply plant; regulation is voluntary, (E), deals
470	2	“(f)” change to “(F)”
470	2	“(g)” change to “(G)”
470	3	should read “provision; voluntary, (H), plant exemption; special

Day 3 (August 18, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
470	4	(i) should be (I)
470	6	“These sections” change to “These key sections”
470	18	“Summery” change to “Summary”
475	20	“regulating” change to “regulated”
479	24	“plus” change to “minus”
480	1	“plus” change to “minus”
480	4	“pay Co-op” change to “pay at Co-op”
481	18	“Summery” change to “Summary”
483	15	“Table 2E” change to “Table 2e”
488	23	“futures” change to “future”
488	25	“when this is – it” change to “when it”
492	7	“Our requested Proposal” change to “I am referring to Exhibit”
492	11	“Exhibit” change to “Exhibits”
492	13	strike “13's”
495	7	“that’s (f) in 3.” change to “that’s (f) (3).”
496	2	“in the paragraph” change to “in paragraphs”
501	11	“class III price announced” change to “Class III was announced”
503	1	“currently uses” change to “current language uses”
503	14	“Hearing done.” change to “Hearing none.”
504	15	“comment that” change to “comment on that”
504	17	“commented on” change to “discussed”
504	25	should read “beginning at 4 p.m., we were unable to comply.”

Day 3 (August 18, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
505	5	“checking” change to “taking”
507	13	“maybe” change to “may be”
508	3	“would” change to “we”
513	22	place quotation marks around the word “any”
515	24	“Classes IV” change to “Class IV”
519	3	“proposal 3” change to “Proposal 3”
519	4	“proposal No.” change to “Proposal No.”
520	2	place quotation marks around the word “distributing”
522	14	“100.44” change to “1000.44”
523	16	“other order” change to “other Order”
524	15	“table” change to “Table”
526	20	“No.3, No. 4 and No. 5” change to “No. 3 and No. 4.”
527	11	“Also in (D) (2),” change to “Also in (d) (2)”
527	13	“in (D) (3)” change to “(d) (3),”
529	22	“the order” change to “the Order”
531	3	“Section 100.9(c)” change to “Section 1000.9(c)”
538	5	“depool” change to “pool”
540	24	“follow” change to “following”
541	15	“(9)(c) to” change to “(9)(c)(2)”
545	11	“enough milk to” change to “enough to”
545	21	“looks” change to “look”
554	21	“change” change to “charge”

Day 3 (August 18, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
555	1	“wellbeing” change to “well being”
556	25	“organize” change to “organization”
559	7	“Saunemin” change to “Chemung”
562	2	“plant operates” change to “plants operate”
565	7	“evidence” change to “event”
568	25	“to the continue” change to “to continue”
570	16	“SCC” change to “SEC”
572	3	“graduate” change to “gratitude”
573	10	“aversion of” change to “a version of a”
582	15	“As more Grade A” change to “As Grade A”
583	23, 25	“over jester” change to “overt gesture”
585	15	“older” change to “old”
592	25	“arriving” change to “arrived”
598	1	“We, I think” change to “I think we”
599	3	“his” change to “whose”
599	23	“variable” change to “available”
601	14	“order” change to “Order”
603	6	“1037(c)(2)” change to “1030.7(c)(2)”
605	4	“medical” change to “milk”
608	1	“supply plant” change to “supply”
609	13	“handler report” change to “handler’s report”
609	14	“operate or” change to “operator or”

Day 3 (August 18, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
609	22	“apply some discussion” change to “give some discretion”
609	25	“block” change to “bloc”
610	1	“block” change to “bloc”
634	6	“overload” change to “over order”
639	17	“actuality” change to “actually”
639	25	“Class III forge” change to “Class III, IV issue”
642	19	“of \$4.13” change to of \$4.33 more than Class III.”
643	1	“The class II” change to “The Class II”
643	12, 15	“power” change to “powder”
644	15	“class I.” change to “Class I.”
645	11	“THE WITNESS” should be “MR. BROWN”
645	17	“may” change to “many”
649	8	“by” change to “be”
653	2	“future’s” change to “futures”
660	8	“3” change to “30”
665	11	“II” change to “III”
674	4	“if the so” change to “if so”
676	2	“precedence” change to “precedent”
676	10	“you know,” change to “you now”
678	7	“ways” change to “way”
679	11	“hear” change to “here”
680	25	“producer bottom” change to “producers’ bottom”

Day 3 (August 18, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
682	6	“making” change to “make”
683	2	“hear” change to “here”
683	10, 22	“precedence” change to “precedent”

Day 4 (August 19, 2004)


<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
699	4	“also don’t support” change to “also support”
698	25	“by” change to “my”
699	10	“WITNESS” change to “COURT”
699	12	“whole hand mic” change to microphone”
701	17	“resent” change to “recent”
702	24	“125” change to “120”
708	9	“hauler” change to “smaller”
712	4	“MR.” change to “MS.”
712	19	“in tact” change to “intact”
715	21	“Sumery” change to “Summary”
718	21	“interpret” change to “interrupt”
724	12	“Orders” change to “Order’s”
735	19	“Berg” change to “Bird”
739	12	“ballets” change to “ballots”
739	21	“decade’s” change to “decades”
778	8	“past” change to “passed”
783	14	“Grandy” change to “Grande”
791	17, 19, 25	“due” change to “dues”

Day 4 (August 19, 2004, cont'd)

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
801	14	"is" change to "it"
812	10	delete "(phonetic)"
812	13	"echoic" change to "bucolic"
812	22	"missile" change to "Milkweed"
836	20	"rule" change to "result"
836	20	"lose" change to "loss"
842	11	"Summery" change to "Summary"
847	1	"include" change to "influence"
854	22	"III" change to "3"
855	14	"buying" change to "buy-in"
856	22	"office" change to "official"
856	25	"Summery" change to "Summary"
858	1	"stock" change to "futures"
867	11	"FDA" change to "DFA"

Copies of this Certification shall be served by the Hearing Clerk upon each of the parties.

DATE: Oct 28, 2004


VICTOR W. PALMER
Administrative Law Judge

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