

UNITED STATES DEPARTMENT OF AGRICULTURE

USDA
2004 AUG 12 P 5:01

BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. AO-388-A15; AO-366-A44;
) DA-03-11
MILK IN THE APPALACHIAN)
)
AND SOUTHEAST MARKETING) **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):

Monday - February 23, 2004

Volume I of IV - Pages 1-144

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
1		"Docket Nos. AO-388-A15, AO-366-A44 and DA-03-11" change to "Docket No. AO-388-A15 and AO-366-A44; DA-03-11" "Brad" Stoker change to "Randal" Stoker "Jeff" change to "John" "Sara" change to "Sarah" "Mr. Marvin Beshore" change to "Mr. Marvin Beshore, Esquire" "Mr. Al Ricciardi" change to "Mr. Al Ricciardi, Esquire" "Mr. Charles English" change to "Mr. Charles English, Esquire" "Theland, Reed & Creest" change to "Thelen Reid & Priest" Add "Mr. Jeffery Simms, Southern Marketing Agency" Add "Mr. Elvin Hollon, Dairy Farmers of America" Add "Mr. Ryan Miltner, Select Milk Producers and Continental Dairy Products" "Mr. Paul Chrest" change to Mr. Paul Christ" "Mr. Carl Conober" change to "Mr. Carl Conover" Delete "Mr. John Vetne, Southeast Milk, Inc." "Earnest" change to "Ernest"
5	11	"a proposed merger Ordered" change to "the proposed merged Order"
	16	"a Southeast" change to "the current Southeast"

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
	19	“terms” change to “terms and”
	21	“Weston” change to “Westin”
6	4-6	“etceteras” change to “et cetera,”
7	4	“went” change to “sent”
	10	“Fredly” change to “Friedly”
	14	“Mosely” change to “Mosley”
8	5	“Orderly” change to “orderly”
9	22	“Lupell” change to “LuVel”
10	4	“Mosely” change to “Mosley”
	7	“Lupell” change to “LuVel”
	13	“pool. Results” change to “pool results”
	14	“can impose.” change to “can be imposed.”
	18	“Brisco” change to “Briscoe”
	23	Delete “all”
11	13	“through” change to “to”
12	2	“Brad” Stoker change to “Randal” Stoker
12	8	Southern Marketing “Inc.” change to Southern Marketing “Agency”
12	8 & 17	“Holland” change to “Hollon”
12	22	“Jeff” change to “John”
13	5	“Sara” change to “Sarah”
13	14-15	“Theland, Reed and Creest” change to “Thelen Reid & Priest”
	20-21	Paul “Crest” change to Paul “Christ”
	21	Carl “Conober” change to Carl “Conover”
14	7	“you” change to “your”
15	25	“producers and” change to “preparing statistics”
16	19	“Exhibit7?” change to “Exhibit 7?”
17	17	“advance” change to “advanced”
	24	“Statistic” change to “Statistics”
18	7	“skim, butterfat,” change to “skim milk and butterfat”
20	7-8	It “moves on” a listing change to It “includes” a listing
	9	“within” change to “with in”
21	18	“this” exhibits change to “these” exhibits
25	6	“Mill” payments change to “Milk” payments

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
	9	“issue” change to “issued”
26	10	Pool Distributing “Plant” change to Pool Distributing “Plants”
	20	Your Honor, “move” change to Your Honor, “I move”
27	20	“staring” change to “starting”
34	22	“and page 274 they looked at” change to “and then look at page 274”
37	11	“Producer Milk Pounds Not Produced in the Marketing Area” change to “Producer Milk Pounds: Milk Produced in the Marketing Area”
47	5	“date” change to “data”
49	16	“Sara” change to “Sarah”
50	15, 19, 21,24	“full” distributing plant change to “pool” distributing plant
54	23	“Alright” changed to “All right”
65	10	“Oso” change to “So”
67	24	Insert “the” after the word “blend”
67	25	“Quarter” change to “Order”
71	25	“48-mont period” change to 48-month period”
75	7	“Druser” change to “Producer”
76	1	“Dropus position” change to “disposition”
77	21	“bruser” change to “producer”
107	17	“Newmansville” change to “Humansville”
110	1	“another” change to “an other”
112	11	“directs” change to “directors”
113	11	“Bas” change to “Base”
119	13	“FA” change to “DFA”
140	15	“Jeff” change to “Judge”
141	3	“FA” change to “DFA”

Tuesday - February 24, 2004

Volume II of IV - Pages 145-403

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
145		“Docket Nos. AO-388-A15, AO-366-A44 and DA-03-11” change to “Docket No. AO-388-A15 and AO-366-A44; DA-03-11” “Brad” Stoker change to “Randal” Stoker “Mr. Marvin Beshore” change to “Mr. Marvin Beshore, Esquire” “Mr. Al Riciardi” change to “Mr. Al Ricciardi, Esquire”

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
		"Mr. Charles English" change to "Mr. Charles English, Esquire"
		"Theland, Reed & Creest" change to "Thelen Reid & Priest"
		Add "Mr. Jeffery Simms, Southern Marketing Agency"
		Add "Mr. Elvin Hollon, Dairy Farmers of America"
		"Mr. Paul Chrest" change to Mr. Paul Christ"
		"Mr. Carl Conober" change to "Mr. Carl Conover"
		Delete "Mr. John Vetne, Southeast Milk, Inc."
148	24	"where" change to "while"
149	9	"ANPI" change to "AMPI"
152	12	"43" change to "48"
154	1	"Mass" change to "NASS"
175	5	"intent" change to "intense"
176	6	"Alright" change to "All right"
180	4	"750" change to "750,000"
198	17	"pounds" change to "people"
272	20	"1007.82(c)(b)(yy)" change to "100.7.82(c)(2)(ii)"
283	9	"polarity" change to "plurality"
285	12	"brother" change to "for other"
286	11	"a" change to "A" in the word "atlantic"
287	1	"us" change to "such"
294	24	"mort" change to "more"
295	6	"Strauss burg" change to "Strasburg"
297	20	"Blue Grass" change to "Bluegrass" – needs to be changed generally
298	8	"plant" change to "milk"
298	10	"there is" change to "there are"
298	21	"Blue Grass" change to "Bluegrass"
299	5	"Blue Grass" change to "Bluegrass"
300	7	"Blue Grass" change to "Bluegrass"
300	16	"Gwynsboro" change to "Winnsboro"
	17	"Butalis" change to "Portales"
	17	"Sebatha" change to "Sabetha"

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
302	17	“operative” change to “cooperatives”
305	18	“different” change to “difference”
308	16	Insert “hearing,” between “different” and “Federal”
309	14	“bidantic” change to “pedantic”
309	25	Insert “-“ between “lock” and “in”
311	22	“could” change to “would”
312	17	“different” change to “difference”
315	5	Insert “out” between “Leaving” and “the”
315	25	Add “?” after the word “zero”
316	3	Add “?” after the word “that”
318	2	“see” change to “hear”
319	11	“visa ve” change to “vis-à-vis”
322	5,11,17	“BESHORE” change to “English”
324	109	“when” change to “within”
326	21	“in brief” change to “briefly”
327	17	“is” change to “as”
336	10	“Dairy Corporation” change to “Dairy Programs”
338	25	“Lee” change to “Lea”
340	23	“fetches” change to “fetched”
342	4	“mixed” change to “milk”
367	22	“experience” change to “experienced” and “tat” change to “that”
368	4	“Inn” change to “in”
390	8	“zero sum gain” change to “zero-sum game”
390	14	insert “-“ between zero sum”
394	16	“supplement” change to “supplemental”
401	23	“Craig” change to “Prairie”
403	3	“A” change to “8”
403	7	“MILTNER” change to “English”
Wednesday – February 25, 2004		
Volume III of IV - Pages 404-685		
404		“Docket Nos. AO-388-A15, AO-366-A44 and DA-03-11” change to “Docket No. AO-388-A15 and AO-366-A44; DA-03-11”

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
		"Brad" Stoker change to "Randal" Stoker
		"Mr. Marvin Beshore" change to "Mr. Marvin Beshore, Esquire"
		"Mr. Al Ricciardi" change to "Mr. Al Ricciardi, Esquire"
		"Mr. Charles English" change to "Mr. Charles English, Esquire"
		"Theland, Reed & Creest" change to "Thelen Reid & Priest"
		Add "Mr. Jeffery Simms, Southern Marketing Agency"
		Add "Mr. Elvin Hollon, Dairy Farmers of America"
		"Mr. Paul Chrest" change to Mr. Paul Christ"
		"Mr. Carl Conober" change to "Mr. Carl Conover"
		Delete "Mr. John Vetne, Southeast Milk, Inc."
406	3	"Beshore" change to "English"
409	8	"he" change to "the"
409	21	"o fit" change to "of its"
411	10	"Count" change to "Counties"
417	25	"and" change to "in"
420	1	"contacts" change to "context"
420	3	"Northeast" change to "Northwest"
421	13	"to" change to " store"
423	13	"ROPER" change to "Rower"
432	23	"F and M Atlanta, dot com." change to "www.fmmatlanta.com"
434	7	"19,'95" change to "1995"
435	14	"Bashore" change to "Beshore"
440	19	"Now" change to "No"
442	21	"rake" change to "rate"
445	11	"Milner" change to "Miltner"
450	24	"Canootzin" change to "Knutson"
452	20	"Canoot's" change to "Knutson's"
	21	"Canoots" change to "Knutson"
452	24	"Beshore" change to "Ricciardi"
453	24	"Administrator law" change to "Administrative Law"
456	21	"Cannotz" change to "Knutson"
456	22	"Canootzin's" change to "Knutson's"
485	9	"suffucient" change to "efficient"

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
487	13	“Tam’s” change to “that’s”
493	25	“Brian” change to “Ryan”
494	2	“Brian” change to “Rryan”
498	6	“Plans” change to “plants”
502	16	“Holland’s” change to “Hollon’s”
505	21	“voracity” change to “veracity”
506	11	“Canootzin’s” change to “Knutson’s”
523	6	“Cosco” change to “Costco”
525	12	“Cosco” change to “Costco”
531	10	“Riccardi” change to “Ricciardi”
533	4	“Sarah” change to “Sara”
538	2	“Q.” change to “A.”
538	3	“A.” change to “Q.”
547	3	“Krien” change to “Cryan”
549	5	“BESHORE” change to “English”
549	13	“operated” change to “operates”
549	25	“Saint” change to “St.” and “feat” change to “feel”
550	7 & 11	“Saint” change to “St.” – change needs to be made generally
550	25	“IN” change to “In”
551	1	“that” change to “then”
551	8,23	“Saint” change to “St.” – change needs to be made generally
552	14	“Saint” change to “St.” – change needs to be made generally
553	9	“fill” change to “feel”
557	4	“Holland” change to “Hollon”
557	18	“sane” change to “the same”
558	18	“Holland” change to “Hollon”
558	21	“carrier” change to “Carry-over”
559	8	Insert “,” at the end of the line after the word “market”
559	9	“Creates” change to “creates”
559	17	“gets” change to “its”
560	1	“inspector” change to “administrator”
560	4	“pooled” change to “pool”
562	22	“MILTNER” change to “ENGLISH”

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
563	6	“RICCARDI” change to “RICCIARDI”
563	7 & 9	“Riccardi” change to Ricciardi” – change needs to be made generally
564	12	“skews” change to “SKU’s”
568	15	“t hey” change to “they”
572	3,6,15	“Riccardi” change to Ricciardi” – change needs to be made generally
573	1	“Highland” change to “Hiland”
573	7	“questions” change to “question”
574	1	“cooling” change to “pooling”
574	6	“you’re” change to “your”
574	18	“order” change to “proposal”
578	7	“Highland” change to “Hiland”
580	1	Delete the word “not”
601	7	“(inaudible)” change to “order reform”
607	3	“Knudsen’s” change to “Knutson’s”
615	7	“fail” change to “sale”
616	16	The inaudible word is “available”
616	21	“advocation” change to “obligation”
617	1	“Kinest” change to “Knutson”
617	5	Insert “?” after the word “say”
618	25	“out” change to “on”
619	4	Insert the word “the” between the words “of” and “way”
623	7	“Knudsen” change to “Knutson”

Thursday - February 26, 2004

Volume IV of IV – Pages 686-1002

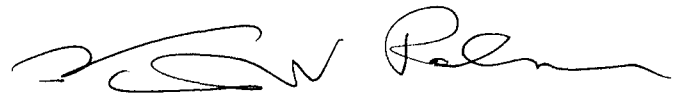
686	“Docket Nos. AO-388-A15, AO-366-A44 and DA-03-11” change to “Docket No. AO-388-A15 and AO-366-A44; DA-03-11”
	“Brad” Stoker change to “Randal” Stoker
	“Mr. Marvin Beshore” change to “Mr. Marvin Beshore, Esquire”
	“Mr. Al Riciardi” change to “Mr. Al Ricciardi, Esquire”
	“Mr. Charles English” change to “Mr. Charles English, Esquire”
	“Theland, Reed & Creest” change to “Thelen Reid & Priest”
	Add “Mr. Jeffery Simms, Southern Marketing Agency”
	Add “Mr. Elvin Hollon, Dairy Farmers of America”

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
		“Mr. Paul Chrest” change to Mr. Paul Christ”
		“Mr. Carl Conober” change to “Mr. Carl Conover”
695	21	“pars” change to “parse”
696	5	“Dupree” change to “Duprey”
696	24	“Brahms” change to “Braums”
706	12	“pars” change to “parse”
710	11	“perspective” change to “prospective”
718	12	“pars” change to “parse”
728	25	“form” change to “reform”
751	21	“pool” change to “pooled”
782	7	“three three” change to “three”
804	17	“permit” change to “proposal”
806	10	“Eisel” change to “Ezell”
806	11	Delete “(phonetic)”
806	14	“Eisel” change to “Ezell”
808	16	“.10F” change to “.10(f)”
808	22	“.10E – F” change to “.10(e) – (f) and “, F,” change to “,(f)”
810	9	“so so” change to “do so”
812	14	“prices is” change to “prices are”
814	17	“advocated” change to “advocate”
819	20	“plan” change to “plant”
833	12	Insert “I” before the word “agree”
847	19	“Southern” change to “Southeast”
874	16	Insert the word “them” in place of “(indiscernible)”
888	1	Insert the words “have proposed” in place of “(indiscernible)”
890	21	“for” change to “from”
899	15	“exist” change to “exists”
905	24	“It” change to “I”
907	21	Insert the words “from the pool” in place of “(indiscernible)”
917	13	Insert the words “cwt of” in place of “(indiscernible)”
918	18	“It” change to “I”
920	13	Insert the word “order.” in place of (indiscernible)
922	1	“It” change to “I”

<u>Page(s)</u>	<u>Line(s)</u>	<u>Correction</u>
923	10	"It" change to "I"
923	19	"Southern" change to "Southeast"
927	13	"has" change to "have"
929	2	Insert "in Order 32" in place of "(indiscernible)"
931	18	Delete the word "(phonetic)"
962	8	"It" change to "I"
975	12	"opposed" change to "oppose"
975	18	"the" change to "an"
979	14	"Class It" change to "Class I"
980	16	"It" change to "I"
981	8 & 19	"It" change to "I"
982	4	"Suisse" change to "Suiza" and delete "(phonetic)"
985	20	"Mapleview Dairy – Mapleview Farm Dairy" change to "Maple View Farm Dairy Company"
988	3	"fee" change to "way"
994	15&16	"award of" change to "over order"
995	22	"(indiscernible)" change to "I don't have a"
997	11	"(indiscernible)" change to "competition"

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

August 12, 2004
Date



VICTOR W. PALMER
Administrative Law Judge