



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

NOTICE OF A CONSOLIDATED PUBLIC HEARING
TO CONSIDER TEMPORARY AMENDMENTS TO THE STABILIZATION AND MARKETING
PLANS FOR MARKET MILK FOR THE NORTHERN AND SOUTHERN CALIFORNIA
MARKETING AREAS

Notice is hereby given that the California Department of Food and Agriculture (Department) is calling a public hearing, on its own motion, to consider temporary amendments to the Stabilization and Marketing Plans for Market Milk for the Northern California and Southern California Marketing Areas (Plans).

Hearing Date, Place and Time - The hearing will be held on May 20, 2013 in the Department Auditorium, 1220 N Street, Sacramento, CA 95814. The hearing will begin at 8:00 a.m. and will continue until all testimony has been received.

The hearing is called pursuant to Chapter 2, Part 3, Division 21 of the Food and Agricultural Code (FAC). The hearing noticed herein will be conducted in accordance with the procedures prescribed in 3 CCR 2080.4.

Call of the Hearing – The hearing will consider proposed amendments to the Class 1, 2, 3, 4a, and 4b prices. Specific proposals that would amend the provisions contained in Article III, Section 300, paragraph (H) of the Plans will be open for consideration at the hearing. Proposed amendments to the class prices may only increase or decrease the per pound component prices of the class prices after all the computations found in Article III, Section 300, Paragraphs (A), (B), (C), (D), and (E) have been completed. Proposed amendments shall follow the same format as currently found in Article III, Section 300, paragraph (H):

(H) The minimum prices for components used for Class 1, Class 2, Class 3, Class 4a, and Class 4b, as set forth respectively in Paragraphs (A), (B), (C), (D), and (E) of this Section, shall be increased only for the period February 1, 2013 to May 1, 2013 as described below:

- (1) For Class 1 milk fat, six-tenths mils (\$0.0006) per pound.
- (2) For Class 1 milk solids-not-fat, four and five-tenths mils (\$0.0045) per pound.
- (3) For Class 1 milk fluid carrier, one-tenth mils (\$0.0001) per pound.
- (4) For Class 2 and 3 milk fat and milk solids-not-fat, eight and two-tenths mils (\$0.0082) per pound.



- (5) For Class 4a and 4b milk fat and milk solids-not-fat, two and forty-six hundredths cents (\$0.0246) per pound.
- (6) Any modifications to the Class 1 fat price resulting from this Paragraph shall not be included in the calculation of the Class 1 solids-not-fat and fluid carrier prices, as set forth in Paragraph (A) of this Section.
- (7) Any modifications to the Class 4a component prices from this Paragraph shall not be included in the calculation of the Class 2 and 3 component prices, as set forth, respectively, in Paragraphs (B) and (C) of this Section.
- (8) Any modifications to the Class 4b fat price resulting from this Paragraph shall not be included in the calculation of the Class 4b solids-not-fat price, as set forth in Paragraph (E) of this Section.

All proposals shall include the factual basis, evidence and the legal authority upon which to make any and/or all of the proposed amendments to the Plans.

All interested parties shall submit information germane to the call of the hearing prior to the close of the hearing on May 20, 2013. Such information may be submitted in person at the hearing, sent electronically via email to dairy@cdfa.ca.gov, or faxed to (916) 900-5341. Any information submitted in these formats by the close of the hearing will be part of the public record. Any information submitted after the close of the hearing will not be included in the record for consideration by the Hearing Panel.

At the hearing, interested parties who wish to introduce testimony and/or exhibits shall provide the Hearing Officer eight (8) copies of such documents.

Copies of the transcripts of testimony received at the hearing will be available for inspection at the Dairy Marketing Branch. If interested parties wish to purchase copies, arrangements may be made with the reporting service at the hearing.

The Department's entire hearing exhibit for this hearing will be available for public inspection at the Dairy Marketing Branch office on May 13, 2013.

Final Decisions - The final decisions will be issued in accordance with the procedures and criteria contained in Chapter 2 of Division 21 of the FAC, as necessary.

The Secretary's decision will include consideration of all relevant economic factors including, but not limited to, the following:

- The reasonableness and economic soundness of market milk prices for all classes, giving consideration to combined income from those classes, in relation to cost of production and marketing for all purposes including manufacturing;

- Whether prices will insure an adequate and continuous supply, in relation to demand, of pure, fresh, wholesome market milk for all purposes, including manufacturing purposes, at prices to consumers which, when considered with relevant economic criteria, are fair and reasonable;
- Whether prices, including the prices of components of milk, established by the Secretary for the various classes of market milk bear a reasonable and sound economic relationship to each other;
- Whether the amendments would be in accord with all the purposes, policies, and standards contained in Sections 61801, 61802, 61805, 61806, 61807, 62062, 62063, 62074.5, 62076 and 62077.

Ex Parte Communications Prohibited - Department employees involved in the decision-making process are prohibited from discussing the merits of the hearing issues with any person having an interest in the proceeding.

Questions regarding the call should be addressed to Hyrum Eastman or Candace Gates at (916) 900-5014.

Media contacts and publication staff are asked to contact the Department's Public Affairs Office by e-mail at cdfapublicaffairs@cdfa.ca.gov or by phone at (916) 654-0462.

Persons with Disabilities - The Department of Food and Agriculture wishes to ensure that all members of the public have access to all public meetings. If you require a special accommodation, please contact Karen Dapper at (916) 900-5014 or TDD (800) 735-0193 at least five days before the hearing date.



Karen Ross
Secretary

Date May 1, 2013