



Commonwealth of Pennsylvania
Milk Marketing Board
2301 North Cameron Street
Harrisburg, PA 17110-9408

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No. 1625

BULLETIN

February 7, 2023

**NOTICE OF HEARING AND PRESUBMISSION SCHEDULE
MILK MARKETING AREA NO. 5**

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Milk Marketing Law, 31 P.S. § 700j-101 *et seq.*, that the Pennsylvania Milk Marketing Board will conduct a public hearing for Milk Marketing Area No. 5 on April 19, 2023, commencing at 9:30 a.m. The hearing will be held in Room A of the Department of Environmental Protection Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging, and delivery costs; updated costs for containers, ingredients, and Class II products; updated labor, utility, and insurance costs based on comparisons between costs per point for the first halves of calendar years 2021 and 2022; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products, and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Area 5. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 5. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by (1) having their attorney file with the Board on or before 1:00 p.m. on March 10, 2023, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 or (2) if unrepresented by counsel, filing with the Board on or before 1:00 p.m. on March 10, 2023, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, i.e., email or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2:00 p.m. on March 22, 2023, Board Staff shall file with the Board one (1) electronic copy, and ensure receipt by all other parties of one (1) electronic copy, of:

a. A list of witnesses who will testify for staff, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2:00 p.m. on April 5, 2023, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2:00 p.m. on April 12, 2023, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, 35.165, 35.167, or 35.173. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to chardbarger@pa.gov and received by 1:00 p.m. on April 10, 2023.

Electronic filings should be made to deberly@pa.gov. The filing address for the Board is Pennsylvania Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

PENNSYLVANIA MILK MARKETING BOARD



Carol A. Hardbarger, PhD, Secretary

IF YOU REQUIRE THIS INFORMATION IN AN ALTERNATE FORMAT, PLEASE CALL (717) 787-4194 OR 1-800-654-5984 (PA RELAY SERVICE FOR TDD USERS).