



February 25, 2022

Via Electronic Mail To:
Deberly@pa.gov

Robert N. Barley, Chairman
c/o Douglas L. Eberly, Esq.
Pennsylvania Milk Marketing Board
Room 110, Agriculture Bldg.
2301 North Cameron Street
Harrisburg, PA 17110

RE: March 2, 2022 Over-Order Premium Hearing
Board Staff's Response to Pennsylvania Association of Milk Dealer's ("PAMD")
motion to strike and exclude certain testimony, dated February 23, 2022

Dear Chairman Barley and Members of the Board:

The Board Staff ("Staff") files this response to PAMD's motion to strike the pre-submitted testimony filed by the Department of Agriculture witness, Greg Hostetter, the Pennsylvania Farm Bureau ("PFB") witness, John Painter and portions of Mr. Wood's proposed testimony, as outlined within his pre-hearing submission.

Staff also responds herein to PAMD's request to exclude PFB's pre-submitted surrebuttal testimony.

Staff supports the Board's exclusion of evidence, including testimony and exhibits, that are not relevant and material, nor within the scope of the level and duration of the Class 1 over-order premium. "The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class 1 over-order premium." Bulletin No. 1606 (Feb. 2, 2022).

Likewise, Staff supports the Board's exclusion of evidence submitted through improper surrebuttal testimony.

Thank you for your consideration of Staff's response.

Respectfully submitted,

James M. Petrascu

James M. Petrascu
Staff Attorney

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Interested Parties