



**Commonwealth of Pennsylvania**  
Milk Marketing Board  
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Official General  
Order No. A-973

Posted: October 5, 2011  
Effective: November 1, 2011

### **JANUARY 2012 MINIMUM RESALE PRICE ANNOUNCEMENT DATE**

NOW, this 5<sup>th</sup> day of October 2011, the Commonwealth of Pennsylvania, Milk Marketing Board (Board) adopts and issues this official general order pursuant to the authority conferred by the Milk Marketing Law, 31 P.S. §§ 700j-101 – 700j-1204. This order will become effective at 12:01 a.m. on November 1, 2011.

#### **SECTION I**

The attached findings of fact and conclusions of law and attachments are incorporated herein by this reference as though fully set forth in this order.

#### **SECTION II**

- a. January 2012 minimum resale prices shall be announced on December 16, 2011.
- b. Any differences in federally-announced advanced skim and fat values due to the United States Department of Agriculture announcing prices on a date other than the Board-announced prices shall be incorporated in February 2012 minimum resale prices.

PENNSYLVANIA MILK MARKETING BOARD

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Luke F. Brubaker, Chairman

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Richard Kriebel, Member

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Lynda J. Bowman, Consumer Member

Date: October 5, 2011

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**JANUARY 2012 MINIMUM RESALE PRICE ANNOUNCEMENT DATE**  
**JUNE 1, 2011**

FINDINGS OF FACT

1. On June 1 2011, the Pennsylvania Milk Marketing Board (“Board”) convened a hearing for all milk marketing areas to receive testimony and evidence concerning the January 2012 minimum resale price announcement date.
2. Notice of the hearing was published at 41 Pennsylvania Bulletin 2187 on April 23, 2011, and was mailed to those who have requested mailed notice of Board hearings by means of Bulletin No. 1469, dated April 12, 2011.
3. David DeSantis, the Board’s Chief of Enforcement and Accounting, was the only witness to testify. Official General Order A-946 provides generally that minimum resale prices will be announced on the Friday before the 24<sup>th</sup> of each month to become effective on the first day of the following month. This would require announcing January 2012 prices on December 23, 2011. Mr. DeSantis testified that in the past, price announcement dates this close to the Christmas holiday have created problems for milk dealers and stores changing prices. Mr. DeSantis recommended, therefore, that the price announcement date for January 2012 minimum resale prices be changed to December 16, 2011.
4. Mr. DeSantis also recommended that, to the extent that the United States Department of Agriculture January 2012 advanced price announcement differs from the Board’s, any differences in skim and fat prices should be incorporated into the Board’s February minimum resale prices. Mr. DeSantis testified that the Board had done this in the past and had seen no disruption in the market.
5. Based on the credible, persuasive, and uncontradicted testimony of Mr. DeSantis, the Board finds that January 2012 minimum resale prices shall be announced on December 16, 2011, rather than December 23, 2011.
6. Based on the credible, persuasive, and uncontradicted testimony of Mr. DeSantis, the Board finds that any differences in federally-announced advanced skim and fat values due to the United States Department of Agriculture announcing prices on a date other than the Board-announced prices shall be incorporated in February 2012 minimum resale prices.

CONCLUSIONS OF LAW

1. The June 1, 2011, hearing was held pursuant to the authority granted to the Board in sections 801 and 803 of the Milk Marketing Law (Law), 31 P.S. §§ 700j-801 and 700j-803.
2. The hearing was held following adequate notice and all interested parties were given a reasonable opportunity to be heard.
3. In adopting this order, the Board considered the entire record and concludes that the order is supported by a preponderance of credible evidence and is reasonable and appropriate under sections 801 and 803 of the Law.
4. The attached order may be amended pursuant to the procedures set out in section 801 of the Law.

PENNSYLVANIA MILK MARKETING BOARD

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Luke F. Brubaker, Chairman

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Richard Kriebel, Member

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Lynda J. Bowman, Consumer Member

Date: October 5, 2011

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