

May 27, 2015

Wendy M. Yoviene
wyoviene@ober.com
202.326.5027 / Fax: 202.336.5227

VIA E-MAIL (amsdairycomments@ams.usda.gov)

Offices In
Maryland
Washington, D.C.
Virginia

Deputy Administrator
USDA/AMS/Dairy Programs
STOP 0231, Room 2971
1400 Independence Avenue, S.W.
Washington, DC 20250-0225

Dear Deputy Administrator:

Since April 10, 2015, when Ponderosa submitted the proposal it seeks to have heard in the event the Department decides to hold a hearing, Ponderosa Dairy has made some modest revisions to its proposal.

The revised language contained herein, was presented at the outreach meetings in California on May 5, 6, and 7, 2015. The revised proposal is as follows:

7 C.F.R. 1050.76

- ❖ Repeat the language of 1000.76 (a)-(d) re-labeled as 1050.76 (a)-(d)
- ❖ Add new subsection (e)

Any handler may elect partially regulated distributing plant status for any plant located within the California marketing area with respect to receipts of milk from farms located outside of the California marketing area. Such plant shall with respect to such receipts make an election as provided for in 1050.76 and shall meet the reporting and payment requirements in paragraph (a) or paragraph (b) of this section with respect to such receipts.

A comparison of the April 10 language to the presently proposed language is as follows:

Any handler may elect partially regulated distributing plant status for any plant located ~~in~~within the California marketing area with respect to receipts of ~~raw~~ milk ~~for fluid use from farms located~~outside of the California marketing area. Such plant shall ~~account to the producer settlement fund in accordance with subsections~~

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~~(a) or with respect to such receipts make an election as provided for in 1050.76 and shall meet the reporting and payment requirements in paragraph (a) or paragraph (b) of this section 1000.76 with respect to such receipts of raw milk for fluid use from outside the California marketing area.~~

These modifications do not change the objective or effect of the proposal, which is to permit partial regulation on that portion of a plant's volume that is from outside of the California marketing area.

On behalf of Ponderosa Dairy and for the reasons stated in Ponderosa's April 10, 2015 submission, I urge the Department to include this proposal in the hearing notice should the Department determine there is a sufficient basis to hold a hearing.

Respectfully submitted,

/s/ Wendy Yoviene

Wendy M. Yoviene
Counsel for Ponderosa Dairy