



April 20, 2005

Hearing Clerk
U.S. Department of Agriculture
STOP 9200 – Room 1031
1400 Independence Avenue, SW
Washington, D.C. 20250-9200

Re: Milk In The Mideast Marketing Area, Recommended Decision. Docket No. AO-166-A72;
DA-05-01-B.

Alto Dairy Cooperative submits, on behalf of Alto Dairy Cooperative and Foremost Farms USA Cooperative (“Alto *et al*”), the following comments and/or exceptions to the recommended decision of the Mideast Marketing Area published February 22, 2006.

Alto Dairy is a 100-year-old member owned cooperative serving dairy producers throughout Wisconsin and Michigan’s Upper Peninsula. It manufactures cheese and value-added dairy products at two state-of-the art facilities located in Waupun, WI and Black Creek, WI. Alto Dairy Cooperative has pooled its members on Federal Order #30, the Upper Midwest Marketing Area, and Federal Order #33, the Mideast Marketing Area.

Foremost Farms USA Cooperative representing 3700 milk producers located in Wisconsin, Minnesota, Iowa, Illinois, Indiana, Ohio and Michigan owns and operates dairy manufacturing facilities in Wisconsin, Iowa and Minnesota as well as two distributing plants in Wisconsin. Foremost Farms USA also supplies Grade A milk to other distributing plants in Federal Orders 5, 30, 32, and 33.

Alto *et al* is concerned with the following recommended wording;

§ 1033.13 Producer Milk (3) If a producer did not have any milk delivered to any plant as other than producer milk as defined under the order in this part or any other Federal milk order for the preceding three months; and the producer had milk qualified as producer milk on any other Federal order in the previous month, add the lesser of the following:

If a Grade A producer was pooled for the preceding three months on another federal order that has limited depooling, and the handler opted to depool the producer for a limited time, with the limited time the producer was depooled not comprising a full calendar month, the depooled pounds of this producer would not be “producer milk”. In this situation, the producer would have been pooled on another Federal Order for the prior three months, but not 100 percent pooled.

Limited depooling is part of the recommended decision for the Mideast Marketing Area and the Upper Midwest Marketing Area. There was no discussion during the hearing addressing limited depooling and the definition of “producer milk”.

Alto *et al* would propose the wording to be changed to:

§ 1033.13 Producer Milk (3) If a producer delivered any volume of milk to any plant that was pooled as producer milk as defined under the order in this part or any other Federal milk order for the preceding three months; and the producer had milk qualified as producer milk on any other Federal order in the previous month, add the lesser of the following:

Respectfully submitted,

Richard R. Scheuerman
President and Chief Executive Officer
Alto Dairy Cooperative

Joseph W. Weis
Vice President – Consumer Products Division
Foremost Farms USA Cooperative