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July 8, 2015

VIA EMAIL

Mr. William Francis
Chief Order Formulation and Enforcement Division
Dairy Programs
Agricultural Marketing Service
Room 2968
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Re: USDA Data Requests for a California Federal Milk Order Hearing (if noticed for hearing)

Dear Mr. Francis:

On behalf of the Dairy Institute of California, we make the following data and information requests with respect to a California Federal Milk Marketing Order hearing, should a Notice of Hearing for such a proceeding be issued. In making these requests, we acknowledge that information sought is collected, maintained and reported by several agencies, including AMS, NASS, ERS, CDFA and possibly others. We request AMS to coordinate with its sister federal and state agencies to help produce relevant information.

To the extent feasible, it would be helpful to obtain the data in searchable .pdf table and excel formats.

In general, requested data should be monthly and begin for January 2000 through the most recent data available, unless otherwise indicated. Unless otherwise indicated please provide data on a monthly and annual basis.

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1. Eligible milk not pooled (milk depooled/not pooled) in the Upper Midwest, Mideast, Central, Northeast, Southwest, Arizona and Pacific Northwest orders.
2. Volume of dumped milk by Federal Milk Marketing Order.
3. Class I usage by FMMO since 1990 (lbs. and percent of Class I compared to total milk pooled). Class II, III and IV usage by FMMO since 199
4. USDA cost of production by State and by year 2000-2014 - from ERS if necessary.
5. Spot milk sales below class as reported in Dairy Market News since 2000. In which regions and in how many weeks do they occur for each year? Please include the size of the discount to Class pricing for all weeks where spot sales discounts are reported.
6. Market Class I utilization percentage and distributing plant route disposition percentage by order since 2000.
7. Supply plant shipping percentage and diversion limit percentage for each order by month since 2000.
8. Any and all data on the volume of milk movements of producer milk from producer zone to urban fluid milk plants.
9. Any and all data on the volume of milk movements of transfer milk from plant of first receipt to fluid milk plants.
10. The amount or the percentage of plants where shrinkage exceeds the maximum amount allowed to be classified at lowest class for regular 7(a) v. ESL 7(b) fluid milk plants aggregated across all existing Federal Milk Marketing Orders.
11. All documents, data or information reviewed or relied upon by Dairy Programs or the United States Department of Agriculture in conducting any investigation in 2014 or 2015 with respect to a proposed California Federal Milk Marketing Order pursuant to 7 C.F.R. §900.3.
12. All documents, data or information (other than the submissions on behalf of the Cooperatives) that would indicate the existence of disorderly marketing conditions.
13. Mailbox prices for FMMO reporting areas and California (reported at average BF test). with average BF test for each reporting area and average protein and total NFS test where available.

14. For FMMO marketing orders and California, average 3.5% blend prices, average prices at average test(s), and the BF, protein, and total SNF tests, where available.
15. For NASS 23 selected states: milk production, milk marketed, all milk price for milk marketed at test, average BF test, average price/lb for BF, and average price/cwt for skim.
16. Milk Cows inventory location map for California for 2015 (or most recent period). Note: The 2012 NASS census has a map showing national inventory by town or township within all counties, 1 dot = 2000 cows. An update in similar format is sought by this request.
17. Name and location (city and county) of all milk and dairy product plants in California that received and processed or manufactured milk during 2015 and during 2005, identifying the classification of products made at each plant.
18. For 2010-15, the name and location of all California plants, and products made, included in product price surveys as reported by AMS (including Dairy Market News), NASS, and CDFA, identifying for each the survey(s) in which each plant participates.
19. Volume of milk, butterfat, and skim, by CDFA classification, received at California milk plants by location, 2010-2015. For aggregation purposes, we suggest starting with plant locations corresponding with the 12 plant receipt areas included in the CDFA California ranch to plant hauling survey. It may be necessary to combine two or more adjacent receipt areas to avoid disclosure of confidential data.
20. The milk receipts manufacturing/processing capacity of plants, by CDFA classification of use for 2015 and 2010, for each of the 12 aggregated plant receipt reporting areas included in the foregoing. Plant capacity may be derived from plant production or processing during the month of greatest production as reported by AMS, NASS, or CDFA, and is available from processing capacity reported to DOD, DHS, and other agencies for national security planning.
21. Volume of California producer milk, butterfat, and skim produced as quota milk, and as non-quota milk, in each of the 13 production areas identified in the CDFA ranch to plant hauling survey(s), 2012 – 2015. Please contact us if an aggregation of different production areas may be necessary.
22. For each of the production areas in the previous request, please identify for each year the total number of producers and the number that produce more than 500,000 pounds of milk per month (the estimated production of producers who do not meet the standard for

- “small business” under the regulatory flexibility act), and percentage of total milk production represented by producers that do not qualify as small businesses.
23. For each of the production areas in the previous requests, please identify the number of producers by size of dairy farm as measured by dairy cow numbers: < 500, 500 – 1000, 1000 – 2000, and > 2000
 24. For each of the Federal Milk Marketing Order, please identify for each year of 2012 - 15 the total number of producers and the number that produce more than 500,000 pounds of milk per month (the estimated production of producers who do not meet the standard for “small business” under the regulatory flexibility act), and percentage of total milk production represented by producers that do not qualify as small businesses.
 25. Name and location (city, county and state) of all milk and dairy product plants located outside of California that received plant or ranch milk of California origin during 2010-15, and the aggregate monthly volume and use classification of such exports.
 26. AMS National Dairy Product Sales Report, underlying average prices for each product by state or region to the extent possible, 2012 – 2015.
 27. The quantity of milk dumped (not marketed) in California by month and year since 2000.
 28. Movements of bulk milk, cream, skim, and condensed skim into and of California since 2000. These movements would include:
 - a. Milk under contract to a California Dairy Farmer Cooperative (member milk) that is diverted from member farms to out of state plants
 - b. Milk received in cooperative plants and shipped (transferred) to out of state plants as bulk milk , skim, cream, or condensed skim.
 - c. Milk under contract to California proprietary handlers for use in California plants that is diverted to out of state plants.
 - d. Milk received at a California proprietary plant and shipped to an out of state plant as bulk milk , skim, cream, or condensed skim.
 - e. Milk from out of state producers under contract to cooperative or proprietary plants in California.
 - f. Milk transferred or diverted from out of state plants to California plants.
 - g. Receipts in California plants of skim, cream and condensed skim from out of state sources.

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29. For California, milk used in manufacturing classes (Grade A v. Grade B) that is not pooled by month and year.
30. Quota milkfat and solids not fat as a percentage of all milkfat and solids-not-fat (SNF) produced in California by year from 1969-2014 and by month and year since 2000.
31. For California, the number of producers, pounds of quota SNF, and total pounds of SNF in each decile percentage category (0%, 1-10%, 11-20%, 21-30%,...91-100%, and >100%) of each producer's total SNF production covered by quota for the most current month available for 2015 and the same month in 2005, 1995, and 1985.
32. The total California pool dollars used for transportation allowances v. transportation credits for April and September of each year since 1995.

Please do not hesitate to reach out to us should you have any questions about the above requests.

Respectfully submitted,

Davis Wright Tremaine LLP



Chip English



Ashley L. Vulin

cc: Rachel Kaldor, Dairy Institute of California
Bill Schiek, Dairy Institute of California