



Commonwealth of Pennsylvania  
Milk Marketing Board  
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**BULLETIN**

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No. 1449  
June 5, 2009

**NOTICE OF HEARING AND PRESUBMISSION SCHEDULE  
FOR ALL MILK MARKETING AREAS**

**ADJUSTMENTS TO BUTTERFAT RANGES OF  
PRICE-CONTROLLED PACKAGED PRODUCTS**

NOTICE IS HEREBY GIVEN pursuant to provisions of the Milk Marketing Law, 31 P.S. § 700j-101 *et seq.*, that the Commonwealth of Pennsylvania, Milk Marketing Board (“Board”) will conduct a public hearing for Milk Marketing Areas 1, 2, 3, 4, 5, and 6 on August 5, 2009, at 11:00 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania.

The purpose of the hearing is to receive testimony and exhibits concerning adjustments to the butterfat ranges of price-controlled packaged products to provide for Board-mandated minimum prices for new products entering the market.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board’s list of parties by (1) having their attorney file with the Board on or before 4:00 p.m. on July 9, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 or (2) if unrepresented by counsel, filing with the Board on or before 4:00 p.m. on July 9, 2009, notification of their desire to be included as a party. **Parties may indicate in their notices of appearance if alternate means of service, i.e., email or fax, are acceptable.**

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least twenty (20) additional copies made available for the use of nonparties attending the hearing.

1. By 4:00 p.m. on July 16, 2009, the petitioner shall file with the Board, **in person or by mail, one (1) original and six (6) copies** and ensure receipt by all other parties of one (1) copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as

an expert shall be so identified, along with the witness's area or areas of proposed expertise. **For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.**

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4:00 p.m. on July 23, 2009, responding parties shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4:00 p.m. on July 30, 2009, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167, or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least twenty (20) copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4:00 p.m. on July 27, 2009.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

PENNSYLVANIA MILK MARKETING BOARD

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Keith Bierly, Secretary

IF YOU REQUIRE THIS INFORMATION IN AN ALTERNATE FORMAT, CALL  
(717) 787-4194 OR 800-654-5984 (PA RELAY SERVICE FOR TDD USERS).