# AREA 5

## COST REPLACEMENT HEARING DEALER SURREBUTTAL EXHIBITS

**NOVEMBER 5, 2014** 

## **PMMB AREA 5**

#### **COST REPLACEMENT HEARING**

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## Carl D. Herbein, CPA *Curriculum Vitae*

#### **EDUCATION**

Elizabethtown College – B.S. Degree in Accounting (1968) Delta Mu Delta – National Honor Society – Co-captain Cross Country Team

#### **EMPLOYMENT**

Herbein + Company, Inc., Reading, PA October, 2004 to present President and CEO

> July, 1985 to October, 2004 Managing Partner

1974 to June, 1985 Partner Reading, PA

Carl D. Herbein, CPA – Reading, PA 1972 to 1974

Ernst & Young, Reading, PA 1967 to 1972 Staff/Senior Accountant

## PROFESSIONAL AND CIVIC ASSOCIATIONS AND DESIGNATIONS

CPA - Commonwealth of Pennsylvania (1971)

Member - American Institute of CPAs - Council (1990 - 1991)

Member - Pennsylvania Institute of CPAs - President (1988 - 1989)

Firm Member - PKF North American Network - Board of Directors (1993 - 1994)

Chairman - Reading Redevelopment Authority (1992 - 1998) Board of Directors (1984 - 1998)

Board Member

- Greater Berks Development Fund (1995 present)
- Berks County Convention Center Authority Treasurer (1996 present)
- Alvernia University (2012 present)

Berks County Chamber of Commerce (1980 - present)

- Chairman of the Board (1994 1996)
- Treasurer (1992 1993)
- Treasurer (2007-2009)

Greater Reading Economic Partnership (2005 - present)

Elizabethtown College

- Board of Trustees (1987 1992)
- Chair Leadership Council (2007 2009)

Berkshire Country Club

- Board of Directors and Treasurer (October 2001 2007)
- C.H. Briggs Hardware, Reading, PA Member of Board of Directors 2008 to 2012

Submitted: October 30, 2014

## Carl D. Herbein, CPA

#### **PUBLICATIONS**

"Product Costing In A Volatile Environment," which appeared in the National Ice Cream Mix Association, Inc. publication

"Milk Costing and Regulation – Is There a Conflict?" which appeared in the 2003 International Association of Milk Control Agencies' publication

"Benchmarking," which appeared in the August 2004, 422 Business Advisor

"Financing Agribusiness Growth", which appeared in the Pennsylvania CPA Journal

"Processors Improve Profits With Benchmarking", which appeared in the October 2011, Dairy Foods Magazine

#### COMMUNITY AWARDS

2006 Eugene L. Shirk Community Builder Award 2010 Corporate Honoree – March of Dimes 2012 Franciscan Award – Alvernia University 2013Business Weekly Unity Award 2014 YMCA Champion of Youth

#### EXPERT REPORTS, DEPOSITION AND TESTIMONY

#### COURT AND OTHER TESTIMONY

Montana Department of Agriculture - Testimony concerning Montana Milk pool. (hearing held July 23, 2008)

State of Vermont – Expert testimony concerning establishment floor price – raw milk. (hearing held October 9, 2008)

Windsong Farms v. Telemark - Expert testimony - lender liability November 17, 2008

Niagara Milk Cooperative, Inc. v. Thomas J. Krenzer et al. – determination of fair value of dissenter's interest February 23, 2009

State of New Jersey Department of Agriculture – Expert testimony – Farmer premium establishment. (hearing held November 19, 2009, December 17, 2009 and January 28, 2010)

Sweetwater Valley Farm, Inc. v. Dairy Farmers of America, Inc. - June 15, 2010

Bross v. Bross - domestic matter. Testimony October 16, 2010.

Van Peenen Dairy, Inc. v. Tuscan/Lehigh Dairies, Inc. - contractual dispute, November 22, 2011

Nicholas Meat Packing Co. v. Brigandi, Gleghorn and Associates - August 20, 2011 and July 2013.

Supports Coordination Organization Modeled Rate Review - payment rate dispute - July 15, 2013.

Allen S. Fisher, et. al. v. Dominion Transmission, Inc. - crop damage - loss calculation - October 2013.

DeVries Dairy v. White Eagle Cooperative Association - expert testimony - economic discrimination - October 2013.

## Carl D. Herbein, CPA

## COMMONWEALTH OF PENNSYLVANIA MILK MARKETING BOARD APPEARANCES

#### 2007

Expert witness appearing on behalf of dealer association concerning licensee to licensee discounts.

Expert witness appearing on behalf of dealer association concerning cost replacement hearings for Areas 1, 2, 3, 4, 5, and 6.

#### 2008

Expert witness appearing on behalf of dealer association concerning cost replacement hearings for Areas 1, 2, 3, 4, 5, and 6.

Expert witness appearing on behalf of dealer association concerning bulk milk cream, shrinkage, producer premium related to recombinant bovine growth hormone, and milk prices and percentage discounts.

#### 2009

Expert witness appearing on behalf of dealer association concerning cost replacement hearings for Areas 1, 2, 3, 4, 5 and 6.

Expert witness appearing on behalf of dealer association concerning emergency hearing related to level of Class I Over-order Premium.

#### 2010

Expert witness appearing on behalf of dealer association concerning formula for calculating the Over Order Premium.

Expert witness appearing on behalf of dealer association concerning cost replacement in Area 4 and Area 5.

## 2011

Expert witness appearing on behalf of dealer associations concerning cost replacement in Areas 1, 2, 3, 4, 5, and 6.

#### 2012

Expert witness appearing on behalf of dealer associations concerning multi-store discounts in Area 5 and Area 6.

Expert witness appearing on behalf of dealer associations concerning Over Order Premium duration and level.

Expert witness appearing on behalf of dealer associations concerning cost replacement in Areas 1, 2, 3, 4, 5, and 6.

#### 2013

Expert witness appearing on behalf of dealer associations concerning wholesale milk discounts in Areas 1, 2, 3, 4, 5, and 6.

Expert witness appearing on behalf of dealer associations concerning over-price premium in Areas 1, 2, 3, and 4.

#### 2014

Expert witness appearing on behalf of dealer associations concerning cost replacement in Areas 1, 2, 3, 4, and 5.

Expert witness appearing on behalf of dealer associations concerning small delivery cost in Areas 1, 2, 3, 4, 5 and 6.

#### PMMB AREA 5

## COST REPLACEMENT HEARING

## SUMMARY OF CURRENT INGREDIENT COSTS (WEIGHTED AVERAGE BASED ON ACTUAL SALES IN AREA 5)

## Dean Foods Company – Sharpsville, Dean Foods Company – Erie, Schneider's Dairy, Inc. Turner Dairy Farms, United Dairy, Inc., United/Fike Dairy

	March 2014 Ingredient Cost Per Pound (1)
Standard	\$.0000
Reduced fat (2%) milk	.0001
Low fat (1%) milk	.0002
Non fat (skim) milk	.0010
Flavored milk	.0410
Flavored reduced fat milk	.0291
Flavored nonfat milk	.0264
Buttermilk	.0256
Eggnog	.1305

(1) For ingredients not purchased in March 2014 the most recent invoice was used.

#### PMMB AREA 5

#### COST REPLACEMENT HEARING

## COST REPLACEMENT ADJUSTMENTS FOR INGREDIENTS

## Dean Foods Company – Sharpsville, Dean Foods Company – Erie, Schneider's Dairy, Inc. Turner Dairy Farms, United Dairy, Inc., United/Fike Dairy

	March 2014 Weighted Average Cost/Pound	Cost/Pound included in Existing Order (1)	Increase (Decrease)
Standard milk	\$0.0000	\$0.0000	\$0.0000
Reduced fat milk (2%)	0.0001	0.0001	0.0000
Lowfat milk (1%)	0.0002	0.0002	0.0000
Nonfat milk (skim)	0.0010	0.0007	0.0003
Flavored milk (2)	0.0410	0.0378	0.0032
Flavored reduced fat milk (2)	0.0291	0.0276	0.0015
Flavored nonfat milk (2)	0.0264	0.0275	(0.0011)
Buttermilk	0.0256	0.0253	0.0003
Eggnog	0.1305	0.1304	0.0001

(1) Per General Order OGO A-954 (CRO 4) as updated for flavored milk on October 1, 2014.

(2) Ingredient costs to be updated on a quarterly basis for flavored milk, flavored reduced fat milk and flavored nonfat milk. Updates should be effective on January 1, April 1, July 1 and October 1.

#### PMMB AREA 5

## COST REPLACEMENT HEARING

## BUTTERFAT CONTENT OF PRICE CONTROLLED PRODUCTS

## Dean Foods Company – Sharpsville, Dean Foods Company – Erie, Schneider's Dairy, Inc. Turner Dairy Farms, United Dairy, Inc., United/Fike Dairy

	2013 Weighted Average	Butterfat Test included in Existing	Increase
	Butterfat Test	Order (1)	(Decrease)
Standard milk	3.2605%	3.2639%	-0.0034%
Reduced fat milk (2%)	1.9407%	1.9403%	0.0004%
Lowfat milk (1%)	0.9633%	0.9640%	-0.0007%
Nonfat milk (skim)	0.0940%	0.0961%	-0.0021%
Flavored milk	3.4291%	3.3586%	0.0705%
Flavored reduced fat milk	1.0407%	1.0235%	0.0172%
Flavored nonfat milk	0.1510%	0.1589%	-0.0079%
Buttermilk	2.3007%	2.1507%	0.1500%
Eggnog	6.4006%	6.7882%	-0.3876%

(1) Per General Order No. A-954 (CRO 4)

#### PMMB AREA 5

## COST REPLACEMENT HEARING

## PROCESSING, PACKAGING AND DELIVERY COSTS/POINT (WEIGHTED AVERAGE BASED ON SALES IN AREA 5)

## Dean Foods Company – Sharpsville, Dean Foods Company – Erie, Schneider's Dairy, Inc. Turner Dairy Farms, United Dairy, Inc., United/Fike Dairy

Cost Center	Total Points in PMMB Area 5 (1)	verage /Point (1)
Receiving, lab and field work	203,718,676	\$ 0.0101
Standardization and pasteurization	224,658,871	0.0209
Bottling	229,254,468	0.0380
Cold room	259,970,004	0.0436
Delivery	246,213,180	0.1398
Selling	246,359,928	 0.0316
		\$ 0.2840

(1) Reflects points (and related cost/point) for sales in PMMB Area 5 for the cross-section dealers.

#### PMMB AREA 5

## COST REPLACEMENT HEARING

## COST REPLACEMENT ADJUSTMENTS FOR PROCESSING, PACKAGING AND DELIVERY COSTS

	2013 Weighted Average Cost/Point	2012 Cost/Point Included in Existing Order (1)	Increase (Decrease)				
Receiving, lab and field work	\$0.0101	\$0.0102	(\$0.0001)				
Standardization and pasteurization	0.0209	0.0203	0.0006				
Bottling	0.0380	0.0358	0.0022				
Cold room	0.0436	0.0427	0.0009				
Delivery	0.1398	0.1305	0.0093				
Selling	0.0316	0.0293	0.0023				
Sub total	\$0.2840	\$0.2688	\$0.0152				
Add: 2014 Cost increase (decrease) adjust	(0.0013)						
Less: 2013 Cost (increase) decrease adjust	(0.0039)						
Net change	Net change						

(\$0.0013)

## PMMB AREA 5

## **COST REPLACEMENT HEARING**

## COST INCREASES (DECREASES) FOR LABOR, INSURANCE AND UTILITY COSTS

## Dean Foods Company – Sharpsville, Dean Foods Company – Erie, Schneider's Dairy, Inc. Turner Dairy Farms, United Dairy, Inc., United/Fike Dairy

	Weighted Expendent Months Ende	nses for the Six d June 30 (1)	Weighted Poi Months Ende	ints for the Six d June 30 (1)	Cost Pe	Increase (Decrease)	
Type of Expense	2014	2013	2014	2013	2014	2013	Per Point
Labor and fringe benefits	\$ 20,117,192	\$20,393,048	110,727,213	111,537,937	\$0.1817	\$0.1828	(\$0.0011)
Utilities	1,087,369	1,123,702	110,727,213	111,537,937	0.0098	0.0101	(0.0003)
Insurance	167,272	152,561	110,727,213	111,537,937	0.0015	0.0014	0.0001

(1) Weighted based on sales in PMMB Area 5

#### **PMMB AREA 5**

## COST REPLACEMENT HEARING

### **CHANGES IN DIESEL FUEL COSTS**

Diesel fuel costs – calendar year 2013 (1)	\$4,395,770
Delivery points – calendar year 2013 (1)	246,213,180
Diesel fuel cost per point delivered	\$0.0179
Average diesel price – calendar year 2013 (2)	\$4.010
Average diesel price – August 2014 (2) (3)	\$3.965
Increase (decrease) from year 2013 to month August 2014	-1.12%
Increase (decrease) in diesel fuel cost per point delivered	(\$0.0002)

- (1) Costs of cross-section dealers weighted by sales in Area 5.
- (2) On-highway diesel prices per gallon for the Central Atlantic Region as published by the U.S. Energy Information Administration.
- (3) August 2014 diesel fuel costs were used by the PMMB in establishing minimum prices for October 2014.

#### **PMMB AREA 5**

## COST REPLACEMENT HEARING

## CHANGES IN HEATING FUEL COSTS (NATURAL GAS)

## Dean Foods Company – Sharpsville, Dean Foods Company – Erie, Schneider's Dairy, Inc. Turner Dairy Farms, United Dairy, Inc., United/Fike Dairy

Heating fuel costs – calendar year 2013 (1)	\$370,735
Standardization & pasteurization points – calendar year 2013 (1)	224,658,871
Heating fuel cost per point pasteurized	\$0.0017
Average heating fuel costs – calendar year 2013 (2)	\$9.16
Average heating fuel costs – June 2014 (2) (3)	9.83
Increase (decrease) from year 2013 to month June 2014	7.31%
Increase (decrease) in heating fuel cost per point pasteurized	\$0.0001

(1) Costs of cross-section dealers weighted by sales in Area 5.

- (2) Industrial natural gas prices for Pennsylvania in dollars per thousand cubic feet as published by the U.S. Energy Information Administration.
- (3) June 2014 natural gas costs were used by the PMMB in establishing minimum prices for October 2014.

## PMMB AREA 5

## COST REPLACEMENT HEARING

## WEIGHTED COST OF SHRINKAGE AND WEIGHTED COSTS AND REVENUES FROM BULK CREAM AND BULK MILK

## Dean Foods Company – Sharpsville, Dean Foods Company – Erie, Schneider's Dairy, Inc. Turner Dairy Farms, United Dairy, Inc., United/Fike Dairy

PMMB Area 5		Costs	Revenues		eighted Net st (Revenue)	Weighted Pounds (1)	(Re	ghted Cost venue) Per Pound
Shrinkage	\$	4,024,576		\$	1,669,463			
Bulk milk revenue minus milk costs Bulk milk cost center costs & freight Net bulk milk cost (revenue)		367,074	2,733,681		(861,741)			
Bulk cream revenue minus milk costs Bulk cream cost center costs Net bulk cream cost (revenue)		1,373,873	4,865,612		(1,142,585)			
Total	\$	5,765,523	\$ 7,599,293	•				
Net cost (net revenue) - calendar year 2	013			\$	(334,863)	426,149,513	\$	(0.0008)
Net cost (net revenue) in current order -	calen	dar year 2012	2	\$	452,086	545,890,891		0.0008
Net change - cost increase (cost reduction	on)			\$	(786,949)		\$	(0.0016)

(1) Beginning in calendar year 2013 producer milk diverted to other plants is excluded from the calculation of weighted pounds.

#### **PMMB AREA 5**

## COST REPLACEMENT HEARING

# SUMMARY OF CURRENT CONTAINER COSTS WITH ADJUSTMENT FOR SHRINKAGE AND LOSS AND UPDATE TO CURRENT MONTH

## Dean Foods Company – Sharpsville, Dean Foods Company – Erie, Schneider's Dairy, Inc. Turner Dairy Farms, United Dairy, Inc., United/Fike Dairy

Container Size	March 2014 Container Cost (1)	Adjust from March 2014 to September 2014 - Current (2)	Subtotal	Calculated Shrinkage and Loss (4)	Shrinkage Cost	Total Container Cost
Gallon (5)	\$ 0.1669	\$ 0.0088	\$ 0.1757	1.94%	\$ 0.0034	\$ 0.1791
<ul><li>1/2 gallon - plastic</li><li>1/2 gallon - paper</li><li>/2 gallon - blended (5)</li></ul>	0.1337 0.1399 0.1338	0.0051	0.1389	1.64%	0.0023	0.1412
Quart - plastic Quart - paper Quart - blended (5)	0.1340 0.0810 0.1063	0.0026	0.1089	1.57%	0.0017	0.1106
Pint - plastic Pint - paper Pint - blended (5)	0.1046 0.0485 0.1039	0.0042	0.1081	1.62%	0.0018	0.1099
Twelve ounce	(3)					
Ten ounce	0.0544		0.0544			0.0544
1/2 pint - plastic (5)	0.0614	0.0009	0.0623	0.92%	0.0006	0.0629
1/2 pint - paper (5)	0.0270	0.0025	0.0295	0.85%	0.0003	0.0298
Four ounce - paper	0.0259		0.0259	1.53%	0.0004	0.0263
Dispenser	0.0754		0.0754	1.30%	0.0009	0.0763

(1) For containers not purchased in March 2014 the most recent invoice was used.

- (2) September 2014 container costs were used by the PMMB to establish minimum resale prices for October 2014.
- (3) Container not packaged in this Area.
- (4) Calculated based on actual container loss from a state-wide cross section of processing dealers for controlled containers used during the period January – March 2009. This state-wide cross section is composed of every processing dealer that participates in a cost replacement hearing.
- (5) Current container costs would replace these costs on a monthly basis when the PMMB minimum resale prices are announced.

#### **PMMB AREA 5**

## COST REPLACEMENT HEARING

## ADJUSTED CONTAINER COSTS COMPARED TO CURRENT MONTH CONTAINER COSTS – OCTOBER 2014

Container Size	Adjusted Container Costs from Exhibit D-8		Container Costs in Current Prices (1)		Difference
Gallon (2)	\$	0.1791	\$	0.1825	\$ (0.0034)
Half Gallon (2)		0.1412		0.1425	(0.0013)
Quart (2)	0.1106		0.1092		0.0014
Pint (2)		0.1099		0.1058	0.0041
1/2 pint - plastic (2)		0.0629		0.0642	(0.0013)
1/2 pint - paper (2)		0.0298		0.0298	-
Four ounce - paper		0.0263		0.0272	(0.0009)
Dispenser (per quart)		0.0763		0.0742	0.0021

- (1) Per General Order No. A-954 (CRO 4) as updated.
- (2) These container costs to be updated on a monthly basis.
- (3) Difference between plastic ½ pint and paper ½ pint is \$0.0331. PMMB resale price schedules show the ½ pint paper price. \$0.0331 is the plastic add-on.

#### PMMB AREA 5

## COST REPLACEMENT HEARING

## CALCULATION OF WHOLESALE MINIMUM PRICE GALLON REDUCED FAT MILK (2%) FOR OCTOBER 2014

	Reference	Proposed <u>Order</u>	Current <u>Order (2)</u>	<b>Change</b>
Butterfat test	D2-B	1.9407%	1.9403%	0.0004%
Butterfat price as announced by PMMB	(1)	\$ 3.1867 per lb.	\$ 3.1867 per lb.	
Extended butterfat value		\$ 0.0618 per lb.	\$ 0.0618 per lb.	
Skim price as announced by PMMB	(1)	\$ 18.24 per cwt.	\$ 18.24 per cwt.	
Extended skim value		\$ 0.1789 per lb.	\$ 0.1789 per lb.	
Total milk value at announced prices		\$ 0.2407 per lb.	\$ 0.2407 per lb.	\$ -
Ingredient cost	D2	0.0001	0.0001	
Cost of shrinkage / bulk milk & cream	D7	(0.0008)	0.0008	
Total milk cost per pound		\$ 0.2400 per lb.	<u>\$ 0.2416</u> per lb.	\$ (0.0016)
Pounds per gallon (conversion)		8.62	8.62	
Total milk cost per gallon		\$ 2.0688	\$ 2.0826	\$ (0.0138)
Container cost (adjusted for shrinkage)	D8	0.1791 each	0.1825 each	(0.0034)
Cost center costs	D3	1.1360	1.0752	0.0608
1st half 2013 to 1st half 2014 adjustment	D4	(0.0052)	0.0156	(0.0208)
Container efficiency adjustment	(2)	(0.1067)	(0.1067)	-
Percentage discount adjustment	(2)	0.0140	0.0140	-
Diesel fuel adjustment	D5	(0.0008)	0.0008	(0.0016)
Heating fuels adjustment	D6	0.0004	(0.0024)	0.0028
		\$ 3.2856 each	<u>\$ 3.2616</u> each	\$ 0.0240
Dealer profit at 3.5%	(2)	0.1192	0.1183	\$ 0.0009
Subtotal		\$ 3.4048 each	<u>\$ 3.3799</u> each	\$ 0.0249
Less: average delivery cost	(2)	(0.5220)	(0.5220)	
Add: high cost delivery	(2)	0.9748	0.9748	
Wholesale price		<b>\$ 3.8576</b> each	<b>\$ 3.8327</b> each	\$ 0.0249

- (1) As announced for October 2014 by PMMB on September 18, 2014.
- (2) Per OGO A-954 (CRO 4) as updated.
- (3) Per OGO A-972 "Price Adjustments to Account for Interaction of Milk Prices and Wholesale Percentage Discounts."

#### **PMMB AREA 5**

#### COST REPLACEMENT HEARING

## CALCULATION OF WHOLESALE MINIMUM PRICE HALF PINT FLAVORED NONFAT MILK (SKIM) FOR OCTOBER 2014

		Proposed	Current	
	<b>Reference</b>	<u>Order</u>	<u>Order (2)</u>	<b>Change</b>
Butterfat test	D2-B	0.1510%	0.1589%	-0.0079%
Butterfat price as announced by PMMB	(1)	\$ 3.1867 per lb.	\$ 3.1867 per lb.	
Extended butterfat value		\$ 0.0048 per lb.	\$ 0.0051 per lb.	
Skim price as announced by PMMB	(1)	\$ 18.24 per cwt.	\$ 18.24 per cwt.	
Extended skim value		\$ 0.1821 per lb.	\$ 0.1821 per lb.	
Total milk value at announced prices		\$ 0.1869 per lb.	\$ 0.1872 per lb.	\$(0.0003)
Ingredient cost	D2	0.0264	0.0275	
Cost of shrinkage / bulk milk & cream	D7	(0.0008)	0.0008	
Total milk cost per pound		\$ 0.2125 per lb.	\$ 0.2155 per lb.	\$(0.0030)
Pounds per gallon (conversion)		0.50	0.50	
Total milk cost per half pint		\$ 0.1063	\$ 0.1078	\$(0.0015)
Container cost (adjusted for shrinkage)	D8	0.0298 each	0.0298 each	-
Cost center costs	D3	0.0710	0.0672	0.0038
1st half 2013 to 1st half 2014 adjustment	D4	(0.0004)	0.0010	(0.0014)
Container efficiency adjustment	(2)	0.0367	0.0367	-
Percentage discount adjustment	(2)	0.0009	0.0009	-
Diesel fuel adjustment	D5	(0.0001)	-	(0.0001)
Heating fuels adjustment	D6	0.0001	(0.0001)	0.0002
		\$ 0.2443 each	\$ 0.2433 each	\$ 0.0010
Dealer profit at 3.5%	(2)	0.0089	0.0088	\$ 0.0001
Subtotal		\$ 0.2532 each	\$ 0.2521 each	\$ 0.0011
Less: average delivery cost	(2)	(0.0326)	(0.0326)	
Add: high cost delivery	(2)	0.0609	0.0609	
Wholesale price		<b>\$ 0.2815</b> each	<b>\$ 0.2804</b> each	\$ 0.0011

- (1) As announced for October 2014 by PMMB on September 18, 2014.
- (2) Per OGO A-954 (CRO 3) as updated.
- (3) Per OGO A-972 "Price Adjustments to Account for Interaction of Milk Prices and Wholesale Percentage Discounts."