



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

November 13, 2012

SENT VIA FACSIMILE (559-625-5433) AND U.S. POSTAL SERVICE

Andrei Mikhalevsky, CEO
CALIFORNIA DAIRIES, INC.
2000 North Plaza Drive
Visalia, CA 93291

Dennis Rodenbaugh
Senior Vice President and
Chief Operating Officer
DAIRY FARMERS OF AMERICA, INC.
Western Area
170 N. Maple Street, Suite 106
Corona, CA 92880

Pete Janzen, Esq.
General Counsel and
Chief Administrative Officer
LAND O' LAKES, INC.
1200 Lexington Avenue, N
Arden Hills, MN 55126-2998

Re: Petition for Class 4b Hearing

Dear Petitioners:

On November 2, 2012, the Department received via facsimile your petition, dated October 30, 2012, requesting an emergency hearing to consider a change to the Class 4b pricing formula contained in the Stabilization and Marketing Plans for Northern and Southern California. Specifically, you request a modification in the whey factor value in order to increase the Class 4b price for milk produced by California dairies.



Mr. Andrei Mikhalevsky
Mr. Dennis Rodenbaugh
Mr. Pete Janzen
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As submitted, the petition fails to set forth the Secretary's authority to take the action requested. (3 Cal. Code Regs., sec. 2080.2, subd. (a) (3); 3 Cal. Code Regs., sec. 2080.3, subd. (a) (3)) In the absence of such a statement, it cannot determine if petitioners are proceeding under the discretionary hearing procedure of Title 3, California Code of Regulations, section 2080.2, or the mandatory one set forth in Title 3, California Code of Regulations, section 2080.3. The Department will evaluate any future resubmission of the petition in accordance with the provisions of the applicable regulatory procedure.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Masuhara" with a long horizontal flourish extending to the right.

Kevin Masuhara, Director
Division of Marketing Services

cc: Karen Ross, Secretary, CDFA
Michele Dias, General Counsel, CDFA