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Willis Daniels, standing, a Harrisburg attorney, objected strongly to the milk hearing in Harrisburg this week, and termed the hearing call "arbitrary, capricious and unconstitutional."

## Price Hearing

(Continued from Page 1)

light of skyrocketing feed costs Board chairman Harry Kapleau listened stoically while Huber read his statement, as did the other board member, Nina Gowell

Willis Daniels, a Harrisburg attorney spearheaded the attack on the legality of the hearing. Daniels represents a number of clients including the Lancaster Dairymen's Association. He cited court rulings and statutes in his argument that the hearing to be legal should be opened to dealers and consumers. Other lawyers present joined in with Daniels although some did voice their opposition to opening the hearing.

One such was Francis A. Kelly, a Washington D.C. attorney representing the Farmers Union Milk Producers Co-op. He said that under the hearing notice "no testimony other than producers' could be heard. He also stated that dealers could easily absorb any price increase paid to producers.

Speaking informally after the meeting Kelly claimed that dealers were operating inefficiently and spending money on illegal kickbacks and refrigeration equipment for big customers. "If dealers stop these practices," he contended, "they can afford to pay producers more."

After a morning filled with legal rhetoric, the board recessed for 15 minutes to vote on Daniels' motion to open the hearing. After the recess, chairman Kapleau announced that the vote against Daniels' motion was two to one, with Huber casting the negative vote.

After a recess for lunch, producers and cooperative representatives were permitted to take the stand to present testimony in favor of a price increase to producers.

Dr. Paul E. Hand, economist for Inter-State Milk Producers Cooperative, called for a \$0.92 per hundredweight increase in areas 1, 4 and 6. Lancaster County is in Area 4. "It is our position that 15c or 69c per hundredweight of this increase should be permanent," Hand said. "In that it reflects price adjustments due to increases in production which had accumulated prior to the most recent sharp increases in feed costs.

"The remaining 23c per hundredweight or half-a-cent per quart would be handled as a temporary increase and should be reviewed if there is a return to a more normal feed price and supply situation after June 30, 1973."

Kenneth Mummert, dairy farmer and chairman of the Pennsylvania Farmers'

Association Dairy Division, called for an 88c increase in the Area 4 Class I price of milk - from \$7.27 per hundredweight to \$8.15. He pointed out that PFA records show an increase of 51c has been registered in the cost of producing 100 pounds of milk since 1971 alone.

Jack Kooker, a Berks County dairy farmer, urged the board to grant an 88c price hike in Area 2. Kooker is president of the Berks County Dairy Farmers Association. He said that dairy farming returns have not kept pace with the economic growth of the rest of the nation's industries.

About his request for an 88c increase, Kooker said, "It is interesting to note that our costs of production calculations were made with two constants - rate of return on investment at 6 percent and manager's labor at \$2.00 per hour with no fringe benefits."

More producer testimony was heard throughout the day on Wednesday. At the conclusion of

the hearing, Kapleau said he hopes to have a ruling within 10 days of the completion of testimony.

Whether or not that ruling will stand up in court is a matter that will take many weeks to decide. William J. Deisley, quoted earlier, said on Friday morning that he was sure the dealer would take any decision made by the board to the courts.

Reading from a statement prepared on behalf of the Lancaster County Milk Dealers' Association, Deisley said.

"As milk dealers we know our producers are facing sharply higher feed and other costs, and they need higher prices. We realistically support this need. As milk dealers we too have experienced sharply higher labor and other costs for three years without price relief, and we are unable financially to grant an increase to our dairy farmers unless we get a price increase."

"Milk which we dealers supply to local schools is being sold at a price set in September, 1968. Labor costs alone to process and deliver this milk are up 40 percent along with container and



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Kenneth Mummert, chairman of the Pennsylvania Farmers Association Dairy Division, was one of the witnesses testifying for a milk price increase at the Harrisburg hearings.

other costs. Wholesale and retail prices set by the Pennsylvania Milk Marketing Board haven't been increased for 3 years, while our costs have increased by 25 percent."

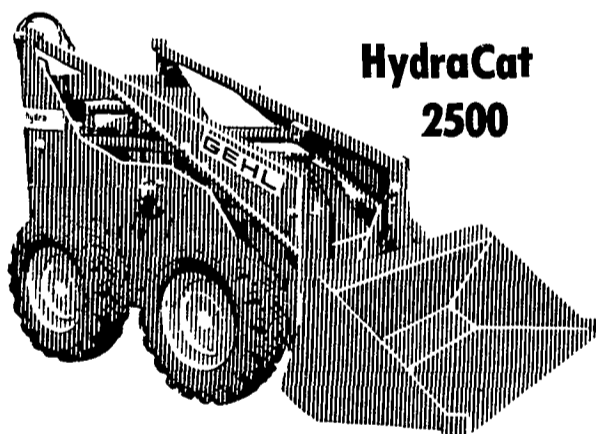
"These are the reasons we dealers must fight for our legal right to be heard at a hearing."

"The reason chairman Kapleau is denying our right to testify is quite simple. If there is no dealer testimony, the board doesn't have anything to consider, so they won't increase consumer prices. This will make Governor Shapp a hero to dairy

farmers and consumers at the milkman's expense.

"Let me emphasize that the milk dealers of Lancaster as well as other licensed milk dealers throughout the state have no fight with dairy farmers. Our fight is with Gov. Shapp. We need and support the dairy farmers' request for a price increase, but we must have an increased consumer price to make it possible.

What good will a price increase be to dairy farmers if the dealer they ship their milk to is unable to pay for it?"



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