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plants and receipts of nonfluid milk products assigned to Class I use pursuant to §1000.43(d) of this chapter and other source milk allocated to Class I pursuant to §1000.44(a)(3) and (8) chapter and the corresponding steps of §1000.44(b) of this chapter, except other source milk that is excluded from the computations pursuant to §1006.60(d) and (e); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to §1000.76(a)(1)(i) and (ii) of this chapter.

[79 FR 25002, May 2, 2014; 79 FR 26591, May 9, 2014]

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See § 1000.86.

PART 1007—MILK IN THE SOUTHEAST MARKETING AREA

Subpart—Order Regulating Handling

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Agricultural Marketing Service, USDA

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Subpart—Order Regulating Handling

Tennessee Counties

GENERAL PROVISIONS

§ 1007.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1007. In this part 1007, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

§ 1007.2 Southeast marketing area.

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

ALABAMA, ARKANSAS, LOUISIANA, AND MISSISSIPPI

All of the States of Alabama, Arkansas, Louisiana, and Mississippi.

Florida Counties

Escambia, Okaloosa, Santa Rosa, and Walton.

Georgia Counties

All of the State of Georgia except for the counties of Catoosa, Chattooga, Dade, Fannin, Murray, Walker, and Whitfield.

Kentucky Counties

Allen, Ballard, Barren, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Livingston, Logan, Lyon, Marshall,McCracken, Metcalfe, Monroe, Simpson, Todd, Trigg, and Warren.

Missouri Counties

Barry, Barton, Bollinger, Butler, Cape Girardeau, Carter, Cedar, Christian, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Greene, Howell, Iron, Jasper, Laclede, Lawrence, Madison, McDonald, Mississippi, New Madrid, Newton, Oregon, Ozark, Pemiscot, Perry, Polk, Reynolds, Ripley, Scott, Shannon, St. Francois, Stoddard, Stone, Taney, Texas, Vernon, Washington, Wayne, Webster, and Wright.

All of the State of Tennessee except for the counties of Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, and Washington.

§ 1007.3 Route disposition.

See § 1000.3.

§ 1007.4 Plant.

See § 1000.4.

§ 1007.5 Distributing plant.

See § 1000.5.

§ 1007.6 Supply plant.

See § 1000.6.

§ 1007.7 Pool plant.

Pool plant means a plant specified in paragraphs (a) through (d) of this section, a unit of plants as specified in paragraph (e) of this section, or a plant specified in paragraph (h) of this section, but excluding a plant specified in paragraph (g) of this section. The pooling standards described in paragraphs (c) and (d) of this section are subject to modification pursuant to paragraph (f) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or § __.7(b) of any other Federal milk order, from which during the month 50 percent or more of the fluid milk products physically received at such plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 50 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for

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other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which 50 percent or more of the total quantity of milk that is physically received during the month from dairy farmers and handlers described in §1000.9(c), including milk that is diverted from the plant, is transferred to pool distributing plants. Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the plant's shipping percentage.

(d) A plant located within the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month at least 60 percent of the producer milk of members of such cooperative association is delivered directly from farms to pool distributing plants or is transferred to such plants as a fluid milk product (excluding concentrated milk transferred to a distributing plant for an agreed-upon use other than Class I) from the cooperative's plant.

(e) Two or more plants operated by the same handler and located within the marketing area may qualify for pool status as a unit by meeting the total and in-area route disposition requirements specified in paragraph (a) of this section and the following additional requirements:

(1) At least one of the plants in the unit must qualify as a pool plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process only Class I or Class II products and must be located in a pricing zone providing the same or a lower Class I price than the price applicable at the distributing plant included in the unit pursuant to paragraph (e)(1) of this section; and

(3) A written request to form a unit, or to add or remove plants from a unit, must be filed with the market administrator prior to the first day of the month for which it is to be effective.

(f) The applicable shipping percentages of paragraphs (c) and (d) of this section may be increased or decreased by the market administrator if the

market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the date for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(g) The term pool plant shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant as defined in §1000.8(e);

(3) A plant qualified pursuant to paragraph (a) of this section which is not located within any Federal order marketing area, meets the pooling requirements of another Federal order, and has had greater route disposition in such other Federal order marketing area for 3 consecutive months;

(4) A plant qualified pursuant to paragraph (a) of this section which is located in another Federal order marketing area, meets the pooling standards of the other Federal order, and has not had a majority of its route disposition in this marketing area for 3 consecutive months or is locked into pool status under such other Federal order without regard to its route disposition in any other Federal order marketing area; and

(5) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under such other order than are made to plants regulated under the order in this part, or such plant has automatic pooling status under such other order.

(h) Any distributing plant, located within the marketing area as described on May 1, 2006, in §1007.2;

(1) From which there is route disposition and/or transfers of packaged fluid milk products in any non-Federally regulated marketing area(s) located within one or more States that require handlers to pay minimum prices for raw milk provided that 25 percent or more of the total quantity of fluid milk products physically received at such plant (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition and/or is transferred in the form of packaged fluid milk products to other plants. At least 25 percent of such route disposition and/or transfers, in aggregate, are in any non-Federally regulated marketing area(s) located within one or more States that require handlers to pay minimum prices for raw milk. Subject to the following exclusions:

- (i) The plant is described in §1007.7(a), (b), or (e);
- (ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;
- (iii) The plant is described in §1000.8(a) or (e); or
- (iv) A producer-handler described in §1007.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

[64 FR 47971, Sept. 1, 1999, as amended at 71 FR 25498, May 1, 2006; 71 FR 28249, May 16, 2006]

§ 1007.8 Nonpool plant.

See §1000.8.

§ 1007.9 Handler.

See §1000.9.

§ 1007.10 Producer-handler.

Producer-handler means a person who:

- (a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;
- (b) Receives no fluid milk products, and acquires no fluid milk products for

route disposition, from sources other than own farm production;

(c) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from own farm production; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled, and the processing and packaging operations, are the producer-handler's own enterprise and are operated at the producer-handler's own risk.

(e) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in §1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to §1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in §1131.7 of this chapter or §1000.76(a).

[64 FR 47971, Sept. 1, 1999, as amended at 71 FR 25499, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

§ 1007.11 [Reserved]

§ 1007.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

- (1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1007.13; or

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(2) Received by a handler described in § 1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to § 1007.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

§ 1007.13 Producer milk.

Except as provided for in paragraph (e) of this section, *Producer milk* means the skim milk (or the skim equivalent of components of skim milk) and butterfat contained in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in § 1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in § 1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or a handler described in § 1000.9(c) to a nonpool plant, subject to the following conditions:

(1) In any month of January through June, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) In any month of July through December, not less than 1 days' production of the producer whose milk is di-

verted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during the month by a cooperative association shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk that the cooperative association caused to be delivered to, and physically received at, pool plants during the month, excluding the total pounds of bulk milk received directly from producers meeting the conditions as described in § 1005.82(c)(2)(ii) and (iii), and for which a transportation credit is requested;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d) of this section. The total quantity of milk so diverted during the month shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to § 1005.7(e)) during the month, excluding the quantity of producer milk received from a handler described in § 1000.9(c) of this chapter and excluding the total pounds of bulk milk received directly from producers meeting the conditions as described in § 1005.82(c)(2)(ii) and (iii), and for which a transportation credit is requested;

(5) Any milk diverted in excess of the limits prescribed in paragraphs (d)(3) and (4) of this section shall not be producer milk. If the diverting handler or cooperative association fails to designate the dairy farmers' deliveries that will not be producer milk, no milk diverted by the handler or cooperative association shall be producer milk;

(6) Diverted milk shall be priced at the location of the plant to which diverted; and

(7) The delivery day requirements and the diversion percentages in paragraphs (d)(1) through (4) of this section

may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program imposed under the authority of a State government maintaining marketwide pooling of returns.

[64 FR 47971, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005; 71 FR 62379, Oct. 25, 2006; 73 FR 14162, Mar. 17, 2008; 73 FR 26315, May 9, 2008; 79 FR 25005, May 2, 2014; 79 FR 26591, May 9, 2014]

§ 1007.14 Other source milk.

See § 1000.14.

§ 1007.15 Fluid milk product.

See § 1000.15.

§ 1007.16 Fluid cream product.

See § 1000.16.

§ 1007.17 [Reserved]

§ 1007.18 Cooperative association.

See § 1000.18.

§ 1007.19 Commercial food processing establishment.

See § 1000.19.

HANDLER REPORTS

§ 1007.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 7th

day after the end of the month, in the detail and on prescribed forms, as follows:

(a) With respect to each of its pool plants, the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c);

(2) Receipts of milk from handlers described in § 1000.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Receipts of producer milk described in § 1007.84(e), including the identity of the individual producers whose milk is eligible for the distributing plant delivery credit pursuant to that paragraph and the date that such milk was received;

(6) For handlers submitting distributing plant delivery credit requests, transfers of bulk unconcentrated milk to nonpool plants, including the dates that such milk was transferred;

(7) Receipts of bulk milk from a plant regulated under another Federal order, except Federal Order 1005, for which a transportation credit is requested pursuant to § 1007.82;

(8) Receipts of producer milk described in § 1007.82(c)(2), including the identity of the individual producers whose milk is eligible for the transportation credit pursuant to that paragraph and the date that such milk was received;

(9) For handlers submitting transportation credit requests, transfers of bulk milk to nonpool plants, including the dates that such milk was transferred;

(10) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products; and

(11) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(8) of this section. Receipts of milk that would have been producer milk if the plant

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had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in §1000.9(c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers;

(2) The utilization or disposition of all such receipts; and

(3) With respect to milk for which a cooperative association is requesting a distributing plant delivery credit pursuant to §1007.84, all of the information required in paragraphs (a)(5) and (6) of this section.

(4) With respect to milk for which a cooperative association is requesting a transportation credit pursuant to §1007.82, all of the information required in paragraphs (a)(7) through (9) of this section.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

[64 FR 47971, Sept. 1, 1999, as amended at 89 FR 6408, Feb. 1, 2024]

§ 1007.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to §1007.7 and each handler described in §1000.9(c) shall report to the market administrator its producer payroll for the month, in detail prescribed by the market administrator, showing for each producer the information specified in §1007.73(e).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to §1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1007.32 Other reports.

(a) On or before the 20th day after the end of each month, each handler described in §1000.9(a) and (c) of this chapter shall report to the market ad-

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ministrator any adjustments to distributing plant delivery credit requests as reported pursuant to §1007.30(a)(5) and (6) and any adjustments to transportation credit requests as reported pursuant to §1007.30(a)(7) through (9) of this part.

(b) In addition to the reports required pursuant to §§1007.30, 31, and 32(a), each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

[64 FR 47971, Sept. 1, 1999, as amended at 89 FR 6408, Feb. 1, 2024]

CLASSIFICATION OF MILK

§ 1007.40 Classes of utilization.

See §1000.40.

§ 1007.41 [Reserved]

§ 1007.42 Classification of transfers and diversions.

See §1000.42.

§ 1007.43 General classification rules.

See §1000.43.

§ 1007.44 Classification of producer milk.

See §1000.44.

§ 1007.45 Market administrator's reports and announcements concerning classification.

See §1000.45.

CLASS PRICES

§ 1007.50 Class prices, component prices, and advanced pricing factors.

See §1000.50.

§ 1007.51 Class I differential, adjustments to Class I prices, and Class I price.

(a) The Class I differential shall be the differential established for Fulton County, Georgia, which is reported in §1000.52. The Class I price shall be the price computed pursuant to §1007.50(a) for Fulton County, Georgia.

(b) Adjustment to Class I prices. Class I prices shall be established pursuant to §1000.50(a), (b) and (c) using the following adjustments:

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State	Country/parish	FIPS	Class I price adjustment	State	Country/parish	FIPS	Class I price adjustment
AL	AUTAUGA	01001	0.50	AR	BRADLEY	05011	0.30
AL	BALDWIN	01003	0.50	AR	CALHOUN	05013	0.30
AL	BARBOUR	01005	0.55	AR	CARROLL	05015	0.10
AL	BIBB	01007	0.30	AR	CHICOT	05017	0.10
AL	BLOUNT	01009	0.20	AR	CLARK	05019	0.00
AL	BULLOCK	01011	0.70	AR	CLAY	05021	0.10
AL	BUTLER	01013	0.55	AR	CLEBURNE	05023	0.10
AL	CALHOUN	01015	0.30	AR	CLEVELAND	05025	0.30
AL	CHAMBERS	01017	0.70	AR	COLUMBIA	05027	0.10
AL	CHEROKEE	01019	0.30	AR	CONWAY	05029	0.10
AL	CHILTON	01021	0.70	AR	CRAIGHEAD	05031	0.10
AL	CHOCTAW	01023	0.50	AR	CRAWFORD	05033	0.10
AL	CLARKE	01025	0.35	AR	CRITTENDEN	05035	0.10
AL	CLAY	01027	0.70	AR	CROSS	05037	0.10
AL	CLEBURNE	01029	0.70	AR	DALLAS	05039	0.00
AL	COFFEE	01031	0.85	AR	DESHA	05041	0.30
AL	COLBERT	01033	0.30	AR	DREW	05043	0.30
AL	CONECUH	01035	0.55	AR	FAULKNER	05045	0.10
AL	COOSA	01037	0.70	AR	FRANKLIN	05047	0.10
AL	COVINGTON	01039	0.55	AR	FULTON	05049	0.10
AL	CRENSHAW	01041	0.55	AR	GARLAND	05051	0.10
AL	CULLMAN	01043	0.20	AR	GRANT	05053	0.00
AL	DALE	01045	0.85	AR	GREENE	05055	0.10
AL	DALLAS	01047	0.50	AR	HEMPSTEAD	05057	0.30
AL	DE KALB	01049	0.40	AR	HOT SPRING	05059	0.00
AL	ELMORE	01051	0.50	AR	HOWARD	05061	0.00
AL	ESCAMBIA	01053	0.55	AR	INDEPENDENCE	05063	0.10
AL	ETOWAH	01055	0.30	AR	IZARD	05065	0.10
AL	FAYETTE	01057	0.20	AR	JACKSON	05067	0.10
AL	FRANKLIN	01059	0.30	AR	JEFFERSON	05069	0.00
AL	GENEVA	01061	0.85	AR	JOHNSON	05071	0.10
AL	GREENE	01063	0.30	AR	LAFAYETTE	05073	0.10
AL	HALE	01065	0.30	AR	LAWRENCE	05075	0.10
AL	HENRY	01067	0.85	AR	LEE	05077	0.10
AL	HOUSTON	01069	0.85	AR	LINCOLN	05079	0.30
AL	JACKSON	01071	0.40	AR	LITTLE RIVER	05081	0.30
AL	JEFFERSON	01073	0.30	AR	LOGAN	05083	0.10
AL	LAMAR	01075	0.20	AR	LONOKE	05085	0.10
AL	LAUDERDALE	01077	0.30	AR	MADISON	05087	0.10
AL	LAWRENCE	01079	0.30	AR	MARION	05089	0.10
AL	LEE	01081	0.70	AR	MILLER	05091	0.10
AL	LIMESTONE	01083	0.30	AR	MISSISSIPPI	05093	0.30
AL	LOWNDES	01085	0.70	AR	MONROE	05095	0.10
AL	MACON	01087	0.70	AR	MONTGOMERY	05097	0.10
AL	MADISON	01089	0.30	AR	NEVADA	05099	0.30
AL	MARENGO	01091	0.50	AR	NEWTON	05101	0.10
AL	MARION	01093	0.20	AR	OUACHITA	05103	0.30
AL	MARSHALL	01095	0.40	AR	PERRY	05105	0.10
AL	MOBILE	01097	0.50	AR	PHILLIPS	05107	0.00
AL	MONROE	01099	0.35	AR	PIKE	05109	0.00
AL	MONTGOMERY	01101	0.70	AR	POINSETT	05111	0.30
AL	MORGAN	01103	0.30	AR	POLK	05113	0.10
AL	PERRY	01105	0.30	AR	POPE	05115	0.10
AL	PICKENS	01107	0.30	AR	PRAIRIE	05117	0.10
AL	PIKE	01109	0.55	AR	PULASKI	05119	0.10
AL	RANDOLPH	01111	0.70	AR	RANDOLPH	05121	0.10
AL	RUSSELL	01113	0.70	AR	SAINT FRANCIS	05123	0.10
AL	SAINT CLAIR	01115	0.30	AR	SALINE	05125	0.10
AL	SHELBY	01117	0.30	AR	SCOTT	05127	0.10
AL	SUMTER	01119	0.30	AR	SEARCY	05129	0.10
AL	TALLADEGA	01121	0.30	AR	SEBASTIAN	05131	0.10
AL	TALLAPOOSA	01123	0.70	AR	SEVIER	05133	0.00
AL	TUSCALOOSA	01125	0.30	AR	SHARP	05135	0.10
AL	WALKER	01127	0.20	AR	STONE	05137	0.10
AL	WASHINGTON	01129	0.35	AR	UNION	05139	0.10
AL	WILCOX	01131	0.50	AR	VAN BUREN	05141	0.10
AL	WINSTON	01133	0.20	AR	WASHINGTON	05143	0.10
AR	ARKANSAS	05001	0.00	AR	WHITE	05145	0.10
AR	ASHLEY	05003	0.10	AR	WOODRUFF	05147	0.10
AR	BAXTER	05005	0.10	AR	YELL	05149	0.10
AR	BENTON	05007	0.10	FL	ESCAMBIA	12033	0.55
AR	BOONE	05009	0.10	FL	OKALOOSA	12091	0.55

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State	Country/parish	FIPS	Class I price adjustment	State	Country/parish	FIPS	Class I price adjustment
FL	SANTA ROSA	12113	0.55	GA	HENRY	13151	0.70
FL	WALTON	12131	0.55	GA	HOUSTON	13153	0.70
GA	APPLING	13001	1.15	GA	IRWIN	13155	1.15
GA	ATKINSON	13003	1.15	GA	JACKSON	13157	0.70
GA	BACON	13005	1.15	GA	JASPER	13159	0.70
GA	BAKER	13007	0.85	GA	JEFF DAVIS	13161	1.15
GA	BALDWIN	13009	0.70	GA	JEFFERSON	13163	0.70
GA	BANKS	13011	0.70	GA	JENKINS	13165	1.00
GA	BARROW	13013	0.70	GA	JOHNSON	13167	1.00
GA	BARTOW	13015	0.30	GA	JONES	13169	0.70
GA	BEN HILL	13017	1.15	GA	LAMAR	13171	0.70
GA	BERRIEN	13019	1.15	GA	LANIER	13173	1.15
GA	BIBB	13021	0.70	GA	LAURENS	13175	1.00
GA	BLECKLEY	13023	1.00	GA	LEE	13177	0.85
GA	BRANTLEY	13025	1.15	GA	LIBERTY	13179	1.15
GA	BROOKS	13027	1.15	GA	LINCOLN	13181	0.70
GA	BRYAN	13029	1.15	GA	LONG	13183	1.15
GA	BULLOCH	13031	1.00	GA	LOWNDES	13185	1.15
GA	BURKE	13033	0.70	GA	LUMPKIN	13187	0.30
GA	BUTTS	13035	0.70	GA	MCDUFFIE	13189	0.70
GA	CALHOUN	13037	0.85	GA	MCINTOSH	13191	1.15
GA	CAMDEN	13039	1.15	GA	MACON	13193	0.70
GA	CANDLER	13043	1.00	GA	MADISON	13195	0.70
GA	CARROLL	13045	0.70	GA	MARION	13197	0.70
GA	CHARLTON	13049	1.15	GA	MERIWETHER	13199	0.70
GA	CHATHAM	13051	1.15	GA	MILLER	13201	0.85
GA	CHATTAHOOCHEE	13053	0.70	GA	MITCHELL	13205	1.15
GA	CHEROKEE	13057	0.30	GA	MONROE	13207	0.70
GA	CLARKE	13059	0.70	GA	MONTGOMERY	13209	1.15
GA	CLAY	13061	0.85	GA	MORGAN	13211	0.70
GA	CLAYTON	13063	0.70	GA	MUSCOGEE	13215	0.70
GA	CLINCH	13065	1.15	GA	NEWTON	13217	0.70
GA	COBB	13067	0.70	GA	OCONEE	13219	0.70
GA	COFFEE	13069	1.15	GA	OGLETHORPE	13221	0.70
GA	COLQUITT	13071	1.15	GA	PAULDING	13223	0.70
GA	COLUMBIA	13073	0.70	GA	PEACH	13225	0.70
GA	COOK	13075	1.15	GA	PICKENS	13227	0.30
GA	COWETA	13077	0.70	GA	PIERCE	13229	1.15
GA	CRAWFORD	13079	0.70	GA	PIKE	13231	0.70
GA	CRISP	13081	0.85	GA	POLK	13233	0.70
GA	DAWSON	13085	0.30	GA	PULASKI	13235	0.85
GA	DECATUR	13087	1.15	GA	PUTNAM	13237	0.70
GA	DE KALB	13089	0.70	GA	QUITMAN	13239	0.85
GA	DODGE	13091	0.85	GA	RABUN	13241	0.30
GA	DOOLY	13093	0.85	GA	RANDOLPH	13243	0.85
GA	DOUGHERTY	13095	0.85	GA	RICHMOND	13245	0.70
GA	DOUGLAS	13097	0.70	GA	ROCKDALE	13247	0.70
GA	EARLY	13099	0.85	GA	SCHLEY	13249	0.70
GA	ECHOLS	13101	1.15	GA	SCREVEN	13251	1.00
GA	EFFINGHAM	13103	1.00	GA	SEMINOLE	13253	1.15
GA	ELBERT	13105	0.70	GA	SPALDING	13255	0.70
GA	EMANUEL	13107	1.00	GA	STEPHENS	13257	0.30
GA	EVANS	13109	1.15	GA	STEWART	13259	0.55
GA	FAYETTE	13113	0.70	GA	SUMTER	13261	0.85
GA	FLOYD	13115	0.30	GA	TALBOT	13263	0.70
GA	FORSYTH	13117	0.70	GA	TALIAFERRO	13265	0.70
GA	FRANKLIN	13119	0.70	GA	TATTNALL	13267	1.15
GA	FULTON	13121	0.70	GA	TAYLOR	13269	0.70
GA	GILMER	13123	0.30	GA	TELFAIR	13271	1.15
GA	GLASCOCK	13125	0.90	GA	TERRELL	13273	0.85
GA	GLYNN	13127	1.15	GA	THOMAS	13275	1.15
GA	GORDON	13129	0.30	GA	TIFT	13277	1.15
GA	GRADY	13131	1.15	GA	TOOMBS	13279	1.15
GA	GREENE	13133	0.70	GA	TOWNS	13281	0.30
GA	GWINNETT	13135	0.70	GA	TREUTLEN	13283	1.00
GA	HABERSHAM	13137	0.30	GA	TROUP	13285	0.70
GA	HALL	13139	0.70	GA	TURNER	13287	0.85
GA	HANCOCK	13141	0.70	GA	TWIGGS	13289	0.70
GA	HARALSON	13143	0.70	GA	UNION	13291	0.30
GA	HARRIS	13145	0.70	GA	UPSON	13293	0.70
GA	HART	13147	0.70	GA	WALTON	13297	0.70
GA	HEARD	13149	0.70	GA	WARE	13299	1.15

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State	Country/parish	FIPS	Class I price adjustment	State	Country/parish	FIPS	Class I price adjustment
GA	WARREN	13301	0.70	LA	RED RIVER	22081	0.00
GA	WASHINGTON	13303	0.70	LA	RICHLAND	22083	0.20
GA	WAYNE	13305	1.15	LA	SABINE	22085	0.00
GA	WEBSTER	13307	0.55	LA	SAINT BERNARD	22087	0.20
GA	WHEELER	13309	1.15	LA	SAINT CHARLES	22089	0.20
GA	WHITE	13311	0.30	LA	SAINT HELENA	22091	0.30
GA	WILCOX	13315	0.85	LA	SAINT JAMES	22093	0.20
GA	WILKES	13317	0.70	LA	SAINT JOHN THE BAPTIST	22095	0.20
GA	WILKINSON	13319	0.70	LA	SAINT LANDRY	22097	0.30
GA	WORTH	13321	0.85	LA	SAINT MARTIN	22099	0.20
KY	ALLEN	21003	0.20	LA	SAINT MARY	22101	0.20
KY	BALLARD	21007	0.30	LA	SAINT TAMMANY	22103	0.30
KY	BARREN	21009	0.20	LA	TANGIPAHOA	22105	0.20
KY	CALDWELL	21033	0.20	LA	TENSAS	22107	0.00
KY	CALLOWAY	21035	0.30	LA	TERREBONNE	22109	0.20
KY	CARLISLE	21039	0.30	LA	UNION	22111	0.10
KY	CHRISTIAN	21047	0.20	LA	VERMILION	22113	0.20
KY	CRITTENDEN	21055	0.20	LA	VERNON	22115	0.00
KY	FULTON	21075	0.30	LA	WASHINGTON	22117	0.30
KY	GRAVES	21083	0.30	LA	WEBSTER	22119	0.10
KY	HICKMAN	21105	0.30	LA	WEST BATON ROUGE	22121	0.20
KY	LIVINGSTON	21139	0.30	LA	WEST CARROLL	22123	0.10
KY	LOGAN	21141	0.20	LA	WEST FELICIANA	22125	0.30
KY	LYON	21143	0.20	LA	WINN	22127	0.00
KY	MCCRACKEN	21145	0.30	MS	ADAMS	28001	0.00
KY	MARSHALL	21157	0.30	MS	ALCORN	28003	0.30
KY	METCALFE	21169	0.20	MS	AMITE	28005	0.40
KY	MONROE	21171	0.50	MS	ATTALA	28007	0.20
KY	SIMPSON	21213	0.20	MS	BENTON	28009	0.30
KY	TODD	21219	0.20	MS	BOLIVAR	28011	0.10
KY	TRIGG	21221	0.20	MS	CALHOUN	28013	0.10
KY	WARREN	21227	0.20	MS	CARROLL	28015	0.20
LA	ACADIA	22001	0.30	MS	CHICKASAW	28017	0.10
LA	ALLEN	22003	0.30	MS	CHOCTAW	28019	0.20
LA	ASCENSION	22005	0.20	MS	CLAIBORNE	28021	0.10
LA	ASSUMPTION	22007	0.20	MS	CLARKE	28023	0.50
LA	AVOUELLES	22009	0.00	MS	CLAY	28025	0.20
LA	BEAUREGARD	22011	0.30	MS	COAHOMA	28027	0.30
LA	BIENVILLE	22013	0.00	MS	COPIAH	28029	0.10
LA	BOSSIER	22015	0.10	MS	COVINGTON	28031	0.00
LA	CADDO	22017	0.10	MS	DE SOTO	28033	0.00
LA	CALCASIEU	22019	0.30	MS	FORREST	28035	0.40
LA	CALDWELL	22021	0.00	MS	FRANKLIN	28037	0.00
LA	CAMERON	22023	0.20	MS	GEORGE	28039	0.40
LA	CATAHOULA	22025	0.00	MS	GREENE	28041	0.40
LA	CLAIBORNE	22027	0.10	MS	GRENADA	28043	0.10
LA	CONCORDIA	22029	0.00	MS	HANCOCK	28045	0.30
LA	DE SOTO	22031	0.00	MS	HARRISON	28047	0.30
LA	EAST BATON ROUGE	22033	0.20	MS	HINDS	28049	0.00
LA	EAST CARROLL	22035	0.20	MS	HOLMES	28051	0.20
LA	EAST FELICIANA	22037	0.30	MS	HUMPHREYS	28053	0.20
LA	EVANGELINE	22039	0.30	MS	ISSAQUEUNA	28055	0.20
LA	FRANKLIN	22041	0.00	MS	ITAWAMBA	28057	0.30
LA	GRANT	22043	0.00	MS	JACKSON	28059	0.30
LA	IBERIA	22045	0.20	MS	JASPER	28061	0.10
LA	IBERVILLE	22047	0.20	MS	JEFFERSON	28063	0.00
LA	JACKSON	22049	0.00	MS	JEFFERSON DAVIS	28065	0.00
LA	JEFFERSON	22051	0.20	MS	JONES	28067	0.40
LA	JEFFERSON DAVIS	22053	0.30	MS	KEMPER	28069	0.30
LA	LAFAYETTE	22055	0.20	MS	LAFAYETTE	28071	0.30
LA	LAFOURCHE	22057	0.20	MS	LAMAR	28073	0.40
LA	LA SALLE	22059	0.00	MS	LAUDERDALE	28075	0.10
LA	LINCOLN	22061	0.10	MS	LAWRENCE	28077	0.00
LA	LIVINGSTON	22063	0.20	MS	LEAKE	28079	0.20
LA	MADISON	22065	0.00	MS	LEE	28081	0.30
LA	MOREHOUSE	22067	0.10	MS	LEFLORE	28083	0.10
LA	NATCHITOCHES	22069	0.00	MS	LINCOLN	28085	0.00
LA	ORLEANS	22071	0.20	MS	LOWNDES	28087	0.20
LA	OUACHITA	22073	0.10	MS	MADISON	28089	0.20
LA	PLAQUEMINES	22075	0.20	MS	MARION	28091	0.40
LA	POINTE COUPEE	22077	0.30	MS	MARSHALL	28093	0.00
LA	RAPIDES	22079	0.00	MS	MONROE	28095	0.20

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State	Country/parish	FIPS	Class I price adjustment	State	Country/parish	FIPS	Class I price adjustment
MS	MONTGOMERY	28097	0.20	MO	TANEY	29213	0.20
MS	NESHOBA	28099	0.20	MO	TEXAS	29215	0.20
MS	NEWTON	28101	0.10	MO	VERNON	29217	0.20
MS	NOXUBEE	28103	0.30	MO	WASHINGTON	29221	0.40
MS	OKTIBBEHA	28105	0.20	MO	WAYNE	29223	0.20
MS	PANOLA	28107	0.30	MO	WEBSTER	29225	0.20
MS	PEARL RIVER	28109	0.40	MO	WRIGHT	29229	0.20
MS	PERRY	28111	0.40	TN	BEDFORD	47003	0.30
MS	PIKE	28113	0.40	TN	BENTON	47005	0.30
MS	PONTOTOC	28115	0.30	TN	BLEDSON	47007	0.60
MS	PRENTISS	28117	0.30	TN	CANNON	47015	0.30
MS	QUITMAN	28119	0.30	TN	CARROLL	47017	0.10
MS	RANKIN	28121	0.10	TN	CHEATHAM	47021	0.30
MS	SCOTT	28123	0.10	TN	CHESTER	47023	0.10
MS	SHARKEY	28125	0.20	TN	CLAY	47027	0.30
MS	SIMPSON	28127	0.10	TN	COFFEE	47031	0.60
MS	SMITH	28129	0.10	TN	CROCKETT	47033	0.30
MS	STONE	28131	0.40	TN	DAVIDSON	47037	0.30
MS	SUNFLOWER	28133	0.10	TN	DECATUR	47039	0.30
MS	TALLAHATCHIE	28135	0.10	TN	DE KALB	47041	0.30
MS	TATE	28137	0.00	TN	DICKSON	47043	0.30
MS	TIPPAAH	28139	0.30	TN	DYER	47045	0.10
MS	TISHOMINGO	28141	0.30	TN	FAYETTE	47047	0.10
MS	TUNICA	28143	0.00	TN	FENTRESS	47049	0.30
MS	UNION	28145	0.30	TN	FRANKLIN	47051	0.40
MS	WALTHALL	28147	0.40	TN	GIBSON	47053	0.10
MS	WARREN	28149	0.00	TN	GILES	47055	0.40
MS	WASHINGTON	28151	0.10	TN	GRUNDY	47061	0.60
MS	WAYNE	28153	0.40	TN	HARDEMAN	47069	0.10
MS	WEBSTER	28155	0.20	TN	HARDIN	47071	0.10
MS	WILKINSON	28157	0.40	TN	HAYWOOD	47075	0.30
MS	WINSTON	28159	0.20	TN	HENDERSON	47077	0.30
MS	YALOBUSHA	28161	0.10	TN	HENRY	47079	0.10
MS	YAZOO	28163	0.20	TN	HICKMAN	47081	0.30
MO	BARRY	29009	0.20	TN	HOUSTON	47083	0.30
MO	BARTON	29011	0.20	TN	HUMPHREYS	47085	0.30
MO	BOLLINGER	29017	0.20	TN	JACKSON	47087	0.30
MO	BUTLER	29023	0.20	TN	LAKE	47095	0.10
MO	CAPE GIRARDEAU	29031	0.20	TN	LAUDERDALE	47097	0.30
MO	CARTER	29035	0.20	TN	LAWRENCE	47099	0.40
MO	CEDAR	29039	0.20	TN	LEWIS	47101	0.30
MO	CHRISTIAN	29043	0.20	TN	LINCOLN	47103	0.40
MO	CRAWFORD	29055	0.40	TN	MCAIRY	47109	0.10
MO	DADE	29057	0.20	TN	MACON	47111	0.30
MO	DALLAS	29059	0.20	TN	MADISON	47113	0.30
MO	DENT	29065	0.40	TN	MARSHALL	47117	0.30
MO	DOUGLAS	29067	0.20	TN	MAURY	47119	0.30
MO	DUNKLIN	29069	0.50	TN	MONTGOMERY	47125	0.30
MO	GREENE	29077	0.20	TN	MOORE	47127	0.40
MO	HOWELL	29091	0.20	TN	OBION	47131	0.10
MO	IRON	29093	0.40	TN	OVERTON	47133	0.30
MO	JASPER	29097	0.20	TN	PERRY	47135	0.30
MO	LACLEDE	29105	0.20	TN	PICKETT	47137	0.30
MO	LAWRENCE	29109	0.20	TN	PUTNAM	47141	0.30
MO	MCDONALD	29119	0.20	TN	ROBERTSON	47147	0.30
MO	MADISON	29123	0.20	TN	RUTHERFORD	47149	0.30
MO	MISSISSIPPI	29133	0.50	TN	SHELBY	47157	0.10
MO	NEW MADRID	29143	0.50	TN	SMITH	47159	0.30
MO	NEWTON	29145	0.20	TN	STEWART	47161	0.30
MO	OREGON	29149	0.20	TN	SUMNER	47165	0.30
MO	OZARK	29153	0.20	TN	TIPTON	47167	0.10
MO	PEMISCOT	29155	0.50	TN	TROUSDALE	47169	0.30
MO	PERRY	29157	0.20	TN	VAN BUREN	47175	0.60
MO	POLK	29167	0.20	TN	WARREN	47177	0.60
MO	REYNOLDS	29179	0.20	TN	WAYNE	47181	0.40
MO	RIPLEY	29181	0.20	TN	WEAKLEY	47183	0.10
MO	SAINT FRANCOIS	29187	0.40	TN	WHITE	47185	0.30
MO	SCOTT	29201	0.20	TN	WILLIAMSON	47187	0.30
MO	SHANNON	29203	0.20	TN	WILSON	47189	0.30
MO	STODDARD	29207	0.20				
MO	STONE	29209	0.20				

[73 FR 14163, Mar. 17, 2008]

§ 1007.52 Adjusted Class I differentials.

See § 1000.52.

§ 1007.53 Announcement of class prices, component prices, and advanced pricing factors.

See § 1000.53.

§ 1007.54 Equivalent price.

See § 1000.54.

UNIFORM PRICES

§ 1007.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in §1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (e) of this section and subtracting from that total amount the value computed in paragraph (f) of this section. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under §1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Multiply the pounds of skim milk and butterfat in producer milk that were classified in each class pursuant to §1000.44(c) by the applicable skim milk and butterfat prices, and add the resulting amounts; except that for the months of January 2005 through March 2005, the Class I skim milk price for this purpose shall be the Class I skim milk price as determined in §1000.50(b) plus \$0.04 per hundredweight, and the Class I butterfat price for this purpose shall be the Class I butterfat price as determined in §1000.50(c) plus \$0.0004 per pound. The adjustments to the Class I skim milk and butterfat prices provided herein may be reduced by the market administrator for any month if the market administrator determines that the payments yet unpaid computed pursuant to paragraphs (g)(1) through (5) and paragraph (g)(7) of this

section will be less than the amount computed pursuant to paragraph (g)(6) of this section. The adjustments to the Class I skim milk and butterfat prices provided herein during the months of January 2005 through March 2005 shall be announced along with the prices announced in §1000.53(b);

(b) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) by the respective skim milk and butterfat prices applicable at the location of the pool plant;

(c) Multiply the difference between the Class IV price for the preceding month and the current month's Class I, II, or III price, as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(d) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3)(i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from a plant regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants;

(e) Multiply the Class I skim milk and Class I butterfat prices applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated

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supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(f) For reconstituted milk made from receipts of nonfluid milk products, multiply \$1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

(g) For the months of January 2005 through March 2005 for handlers who have submitted proof satisfactory to the market administrator to determine eligibility for reimbursement of transportation costs, subtract an amount equal to:

(1) The cost of transportation on loads of producer milk delivered or rerouted to a pool distributing plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(2) The cost of transportation on loads of producer milk delivered or rerouted to a pool supply plant that was then transferred to a pool distributing plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(3) The cost of transportation on loads of bulk milk delivered or rerouted to a pool distributing plant from a pool supply plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(4) The cost of transportation on loads of bulk milk delivered or rerouted to a pool distributing plant from another order plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne; and

(5) The cost of transportation on loads of bulk milk transferred or diverted to a plant regulated under another Federal order or to other nonpool plants which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne.

(6) The total amount of payment to all handlers under this section shall be limited for each month to an amount determined by multiplying the total Class I producer milk for all handlers pursuant to §1000.44(c) times \$0.04 per hundredweight.

(7) If the cost of transportation computed pursuant to paragraphs (g)(1) through (5) of this section exceeds the amount computed pursuant to paragraph (g)(6) of this section, the market administrator shall prorate such payments to each handler based on each handler's proportion of transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section. Transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section which are not paid as a result of such a proration shall be included in each subsequent month's transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section until paid, or until the time period for such payments has concluded.

(8) The reimbursement of transportation costs pursuant to this section shall be the actual demonstrated cost of such transportation of bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section, or the miles of transportation on loads of bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section multiplied by \$2.25 per loaded mile, whichever is less.

(9) For each handler, the reimbursement of transportation costs pursuant to paragraph (g) of this section for bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section shall be reduced by the amount of payments received for such milk movements from the transportation credit balancing fund pursuant to §1007.82.

[64 FR 47966, Sept. 1, 1999, as amended at 65 FR 82835, Dec. 28, 2000; 69 FR 71700, Dec. 10, 2004]

§ 1007.61 Computation of uniform prices.

On or before the 11th day of each month, the market administrator shall compute a uniform butterfat price, a

uniform skim milk price, and a uniform price for producer milk receipts reported for the prior month. The report of any handler who has not made payments required pursuant to §1007.71 for the preceding month shall not be included in the computation of these prices, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations.

(a) *Uniform butterfat price.* The uniform butterfat price per pound, rounded to the nearest one-hundredth cent, shall be computed by:

(1) Multiplying the pounds of butterfat in producer milk allocated to each class pursuant to §1000.44(b) by the respective class butterfat prices;

(2) Adding the butterfat value calculated in §1007.60(e) for other source milk allocated to Class I pursuant to §1000.43(d) and the steps of §1000.44(b) that correspond to §1000.44(a)(3)(i) and §1000.44(a)(8) by the Class I price; and

(3) Dividing the sum of paragraphs (a)(1) and (a)(2) of this section by the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section.

(b) *Uniform skim milk price.* The uniform skim milk price per hundredweight, rounded to the nearest cent, shall be computed as follows:

(1) Combine into one total the values computed pursuant to §1007.60 for all handlers;

(2) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1007.75;

(3) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(4) Subtract the value of the total pounds of butterfat for all handlers. The butterfat value shall be computed by multiplying the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section by the butterfat price computed in paragraph (a) of this section;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total skim pounds of producer milk; and

(ii) The total skim pounds for which a value is computed pursuant to §1007.60(e); and

(6) Subtract not less than 4 cents and not more than 5 cents.

(c) *Uniform price.* The uniform price per hundredweight, rounded to the nearest cent, shall be the sum of the following:

(1) Multiply the uniform butterfat price for the month pursuant to paragraph (a) of this section times 3.5 pounds of butterfat; and

(2) Multiply the uniform skim milk price for the month pursuant to paragraph (b) of this section times 96.5 pounds of skim milk.

[64 FR 47966, Sept. 1, 1999, as amended at 65 FR 82835, Dec. 28, 2000]

§ 1007.62 Announcement of uniform prices.

On or before the 11th day after the end of the month, the market administrator shall announce the uniform prices for the month computed pursuant to §1007.61.

PAYMENTS FOR MILK

§ 1007.70 Producer-settlement fund.

See §1000.70.

§ 1007.71 Payments to the producer-settlement fund.

Each handler shall make a payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 12th day after the end of the month (except as provided in §1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk of the handler for the month as determined pursuant to §1007.60; and

(b) The sum of the value at the uniform prices for skim milk and butterfat, adjusted for plant location, of the handler's receipts of producer milk; and the value at the uniform price, as adjusted pursuant to §1007.75, applicable at the location of the plant from which received of other source milk for

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which a value is computed pursuant to § 1007.60(e).

§ 1007.72 Payments from the producer-settlement fund.

No later than one day after the date of payment receipt required under § 1007.71, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1007.71(b) exceeds the amount computed pursuant to § 1007.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

§ 1007.73 Payments to producers and to cooperative associations.

(a) Each handler that is not paying a cooperative association for producer milk shall pay each producer as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the 23rd day of the month, payment shall be made so that it is received by the producer on or before the 26th day of the month (except as provided in § 1000.90) for milk received during the first 15 days of the month at not less than 90 percent of the preceding month's uniform price, adjusted for plant location pursuant to § 1007.75 and proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, a payment computed as follows shall be made so that it is received by each producer one day after the payment date required in § 1007.72:

(i) Multiply the hundredweight of producer skim milk received times the uniform skim milk price for the month;

(ii) Multiply the pounds of butterfat received times the uniform butterfat price for the month;

(iii) Multiply the hundredweight of producer milk received times the plant location adjustment pursuant to § 1007.75; and

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(iv) Add the amounts computed in paragraph (a)(2)(i), (ii), and (iii) of this section, and from that sum:

(A) Subtract the partial payment made pursuant to paragraph (a)(1) of this section;

(B) Subtract the deduction for marketing services pursuant to § 1000.86;

(C) Add or subtract for errors made in previous payments to the producer; and

(D) Subtract proper deductions authorized in writing by the producer.

(b) One day before partial and final payments are due pursuant to paragraph (a) of this section, each handler shall pay a cooperative association for milk received as follows:

(1) *Partial payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk (including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk) received during the first 15 days of the month from a cooperative association in any capacity, except as the operator of a pool plant, the payment shall be equal to the hundredweight of milk received multiplied by 90 percent of the preceding month's uniform price, adjusted for plant location pursuant to § 1007.75.

(2) *Partial payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial payment shall be at the pool plant operator's estimated use value of the milk using the most recent class prices available for skim milk and butterfat at the receiving plant's location.

(3) *Final payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the month from a cooperative association in its capacity as the operator of a pool plant, the final payment shall be the classified value of such milk as determined by multiplying the pounds of skim milk and butterfat assigned to each class pursuant to § 1000.44 by the

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class prices for the month at the receiving plant's location, and subtracting from this sum the partial payment made pursuant to paragraph (b)(2) of this section.

(4) *Final payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk received from a cooperative association during the month, including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, the final payment for such milk shall be an amount equal to the sum of the individual payments otherwise payable for such milk pursuant to paragraph (a)(2) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to §1007.72 by the payment date specified in paragraph (a) or (b) of this section, the handler may reduce payments pursuant to paragraphs (a) and (b) of this section, but by not more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(d) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant as the case may be.

(e) In making payments to producers pursuant to this section, each pool plant operator shall furnish each producer, except a producer whose milk was received from a cooperative association described in §1000.9(a) or (c), a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and the payroll number of the producer;

(2) The month and dates that milk was received from the producer, including the daily and total pounds of milk received;

(3) The total pounds of butterfat in the producer's milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(5) The rate used in making payment if the rate is other than the applicable minimum rate;

(6) The amount, or rate per hundred-weight, and nature of each deduction claimed by the handler; and

(7) The net amount of payment to the producer or cooperative association.

[64 FR 47971, Sept. 1, 1999, as amended at 65 FR 32010, May 22, 2000]

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§ 1007.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in §1007.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§1007.73 and 1000.76.

§ 1007.76 Payments by a handler operating a partially regulated distributing plant.

See § 1000.76.

§ 1007.77 Adjustment of accounts.

See § 1000.77.

§ 1007.78 Charges on overdue accounts.

See § 1000.78.

MARKETWIDE SERVICE PAYMENTS

§ 1007.80 Transportation credit balancing fund.

The market administrator shall maintain a separate fund known as the *Transportation Credit Balancing Fund*

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into which shall be deposited the payments made by handlers pursuant to § 1007.81 and out of which shall be made the payments due handlers pursuant to § 1007.82. Payments due a handler shall be offset against payments due from the handler.

§ 1007.81 Payments to the transportation credit balancing fund.

(a) On or before the 12th day after the end of the month (except as provided in § 1000.90 of this chapter), each handler operating a pool plant and each handler specified in § 1000.9(c) of this chapter shall pay to the market administrator a transportation credit balancing fund assessment determined by multiplying the pounds of Class I producer milk assigned pursuant to § 1007.44 by \$0.60 per hundredweight or such lesser amount as the market administrator deems necessary to maintain a balance in the fund equal to the total transportation credits disbursed during the prior June through February period to reflect any changes in the current mileage rate versus the mileage rate(s) in effect during the prior June through February period. In the event that during any month of the June–February period the fund balance is insufficient to cover the amount of credits that are due, the assessment should be based upon the amount of credits that would have been disbursed had the fund balance been sufficient.

(b) The market administrator shall announce publicly on or before the 23rd day of the month (except as provided in § 1000.90 of this chapter) the assessment pursuant to paragraph (a) of this section for the following month.

[71 FR 62379, Oct. 25, 2006, as amended at 73 FR 14171, Mar. 17, 2008; 79 FR 25006, May 2, 2014; 79 FR 26591, May 9, 2014; 89 FR 6408, Feb. 1, 2024]

§ 1007.82 Payments from the transportation credit balancing fund.

(a) Payments from the transportation credit balancing fund to handlers and cooperative associations requesting transportation credits shall be made as follows:

(1) On or before the 13th day (except as provided in § 1000.90) after the end of each of the months of January, and July through December and any other

month in which transportation credits are in effect pursuant to paragraph (b) of this section, the market administrator shall pay to each handler that received, and reported pursuant to § 1007.30(a)(7), bulk milk transferred from a plant fully regulated under another Federal order as described in paragraph (c)(1) of this section or that received, and reported pursuant to § 1007.30(a)(8), milk directly from producers' farms as specified in paragraph (c)(2) of this section, a preliminary amount determined pursuant to paragraph (d) of this section to the extent that funds are available in the transportation credit balancing fund. If an insufficient balance exists to pay all of the credits computed pursuant to this section, the market administrator shall distribute the balance available in the transportation credit balancing fund by reducing payments pro rata using the percentage derived by dividing the balance in the fund by the total credits that are due for the month. The amount of credits resulting from this initial proration shall be subject to audit adjustment pursuant to paragraph (a)(2) of this section.

(2) The market administrator shall accept adjusted requests for transportation credits on or before the 20th day of the month following the month for which such credits were requested pursuant to § 1007.32(a). After such date, a preliminary audit will be conducted by the market administrator, who will recalculate any necessary proration of transportation credit payments for the preceding month pursuant to paragraph (a) of this section. Handlers will be promptly notified of an overpayment of credits based upon this final computation and remedial payments to or from the transportation credit balancing fund will be made on or before the next payment date for the following month;

(3) Transportation credits paid pursuant to paragraphs (a)(1) and (2) of this section shall be subject to final verification by the market administrator pursuant to § 1000.77. Adjusted payments to or from the transportation credit balancing fund will remain subject to the final proration established pursuant to paragraph (a)(2) of this section; and

(4) In the event that a qualified cooperative association is the responsible party for whose account such milk is received and written documentation of this fact is provided to the market administrator pursuant to §1007.30(c)(3) prior to the date payment is due, the transportation credits for such milk computed pursuant to this section shall be made to such cooperative association rather than to the operator of the pool plant at which the milk was received.

(b) The market administrator may extend the period during which transportation credits are in effect (*i.e.*, the transportation credit period) to the month of February or June if a written request to do so is received fifteen (15) days prior to the beginning of the month for which the request is made and, after conducting an independent investigation, finds that such extension is necessary to assure the market of an adequate supply of milk for fluid use. Any decision to extend the transportation credit period must be issued in writing prior to the first day of the month for which the extension is to be effective.

(c) Transportation credits shall apply to the following milk:

(1) Bulk milk received at a pool distributing plant from a plant regulated under another Federal order, except Federal Order 1005; and

(2) Bulk milk received directly from the farms of dairy farmers at pool distributing plants subject to the following conditions:

(i) The dairy farmer was not a "producer" under this order for more than 45 days during the immediately preceding months of March through May, or not more than 50 percent of the production of the dairy farmer during those 3 months, in aggregate, was received as producer milk under this order during those 3 months; and

(ii) The farm on which the milk was produced is not located within the specified marketing area of the order in this part or the marketing area of Federal Order 1005 (7 CFR part 1005).

(iii) The market administrator may increase or decrease the milk production standard specified in paragraph (c)(2)(i) of this section if the market administrator finds that such revision

is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(d) Transportation credits shall be computed as follows:

(1) The market administrator shall subtract from the pounds of milk described in paragraphs (c)(1) and (2) of this section the pounds of bulk milk transferred from the pool plant receiving the supplemental milk if milk was transferred to a nonpool plant on the same calendar day that the supplemental milk was received. For this purpose, the transferred milk shall be subtracted from the most distant load of supplemental milk received, and then in sequence with the next most distant load until all of the transfers have been offset;

(2) With respect to the pounds of milk described in paragraph (c)(1) of this section that remain after the computations described in paragraph (d)(1) of this section, the market administrator shall:

(i) Determine the shortest hard-surface highway distance between the shipping plant and the receiving plant;

(ii) Multiply the number of miles so determined by the mileage rate for the month computed pursuant to §1007.83(a)(6);

(iii) Subtract the applicable Class I price specified in §1000.50(a) for the county in which the shipping plant is located from the Class I price applicable for the county in which the receiving plant is located;

(iv) Subtract any positive difference computed in paragraph (d)(2)(iii) of this section from the amount computed in paragraph (d)(2)(ii) of this section; and

(v) Multiply the remainder computed in paragraph (d)(2)(iv) of this section

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by the hundredweight of milk described in paragraph (d)(2) of this section.

(3) For the remaining milk described in paragraph (c)(2) of this section after computations described in paragraph (d)(1) of this section, the market administrator shall:

(i) Determine an origination point for each load of milk by locating the nearest city to the last producer's farm from which milk was picked up for delivery to the receiving pool plant;

(ii) Determine the shortest hard-surface highway distance between the receiving pool plant and the origination point;

(iii) Subtract 15 percent (15%) of the miles from the mileage so determined;

(iv) Multiply the remaining miles so computed by the mileage rate for the month computed pursuant to § 1007.83(a)(6);

(v) Subtract the Class I price specified in § 1000.50(a) applicable for the county in which the origination point is located from the Class I price applicable at the receiving pool plant's location;

(vi) Subtract any positive difference computed in paragraph (d)(3)(v) of this section from the amount computed in paragraph (d)(3)(iv) of this section; and

(vii) Multiply the remainder computed in paragraph (d)(3)(vi) of this section by the hundredweight of milk described in paragraph (d)(3) of this section.

(viii) The market administrator may revise the factor described in (3)(iii) of this section (the mileage adjustment factor) if a written request to do so is received fifteen (15) days prior to the beginning of the month for which the request is made and, (15) days prior to the beginning of the month for which the request is made and, after conducting an independent investigation, finds that such revision is necessary to assure orderly marketing, efficient handling of milk in the marketing area, and an adequate supply of milk for fluid use. The market administrator may increase the mileage adjustment factor by as much as ten percentage points (10%) up to twenty-five percent (25%) or decrease it by as much as ten percentage points (10%), to a minimum of five percent (5%). Before making such a finding, the market ad-

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ministrator shall notify all handlers in the market that a revision is being considered and invite written data, comments, and arguments. Any decision to revise the mileage rate factor must be issued in writing prior to the first day of the month for which the revision is to be effective.

[64 FR 47971, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005; 71 FR 62380, Oct. 25, 2006; 73 FR 14171, Mar. 17, 2008; 79 FR 25006, May 2, 2014; 79 FR 26591, May 9, 2014; 89 FR 6408, Feb. 1, 2024]

§ 1007.83 Mileage rate for the transportation credit balancing fund.

(a) The market administrator shall compute the mileage rate each month as follows:

(1) Compute the simple average rounded to three decimal places for the most recent 4 weeks of the Diesel Price per Gallon as reported by the Energy Information Administration of the United States Department of Energy for the Lower Atlantic and Gulf Coast Districts combined.

(2) From the result in paragraph (a)(1) of this section subtract \$2.26 per gallon;

(3) Divide the result in paragraph (a)(2) of this section by 6.2, and round down to three decimal places to compute the fuel cost adjustment factor;

(4) Add the result in paragraph (a)(3) of this section to \$3.67;

(5) Divide the result in paragraph (a)(4) of this section by 497;

(6) Round the result in paragraph (a)(5) of this section down to five decimal places to compute the mileage rate.

(b) The market administrator shall announce publicly on or before the 23rd day of the month (except as provided in § 1000.90 of this chapter) the mileage rate pursuant to paragraph (a) of this section for the following month.

[79 FR 25006, May 2, 2014; 79 FR 26591, May 9, 2014; 89 FR 6409, Feb. 1, 2024]

§ 1007.84 Distributing plant delivery credits.

(a) *Distributing plant delivery credit fund.* The market administrator shall maintain a separate fund known as the Distributing Plant Delivery Credit Fund into which shall be deposited the payments made by handlers pursuant

to paragraph (b) of this section and out of which shall be made the payments due handlers pursuant to paragraph (d) of this section. Payments due a handler shall be offset against payments due from the handler.

(b) *Payments to the distributing plant delivery credit fund.* On or before the 12th day after the end of the month (except as provided in §1000.90 of this chapter), each handler operating a pool plant and each handler specified in §1000.9(c) of this chapter shall pay to the market administrator a distributing plant delivery credit fund assessment determined by multiplying the pounds of Class I producer milk assigned pursuant to §1007.44 by a per hundredweight assessment rate of \$0.50 or such lesser amount as the market administrator deems necessary to maintain a balance in the fund equal to the total distributing plant delivery credit disbursed during the prior calendar year. If the distributing plant delivery credit fund is in an overfunded position, the market administrator may completely waive the distributing plant delivery credit assessment for one or more months. In determining the distributing plant delivery credit assessment rate, in the event that during any month of that previous calendar year the fund balance was insufficient to cover the amount of credits that were due, the assessment should be based upon the amount of credits that would have been disbursed had the fund balance been sufficient.

(c) *Assessment rate announcement.* The market administrator shall announce publicly on or before the 23rd day of the month (except as provided in §1000.90 of this chapter), the assessment rate per hundredweight pursuant to paragraph (b) of this section for the following month.

(d) *Payments from the distributing plant delivery credit fund.* Payments from the distributing plant delivery credit fund to handlers and cooperative associations requesting distributing plant delivery credits shall be made as follows:

(1) On or before the 13th day (except as provided in §1000.90 of this chapter) after the end of each month, the market administrator shall pay to each handler that received, and reported

pursuant to §1007.30(a)(5), bulk unconcentrated milk directly from producers' farms, or receipts of bulk unconcentrated milk by transfer from a pool supply plant as defined in §1007.7(c) or (d), a preliminary amount determined pursuant to paragraph (f) of this section to the extent that funds are available in the distributing plant delivery credit fund. If an insufficient balance exists to pay all of the credits computed pursuant to this section, the market administrator shall distribute the balance available in the distributing plant delivery credit fund by reducing payments pro rata using the percentage derived by dividing the balance in the fund by the total credits that are due for the month. The credits resulting from this initial proration shall be subject to audit adjustment pursuant to paragraph (d)(3) of this section.

(2) The market administrator shall accept adjusted requests for distributing plant delivery credits on or before the 20th day of the month following the month for which such credits were requested pursuant to §1007.32(a). After such date, a preliminary audit will be conducted by the market administrator, who will recalculate any necessary proration of distributing plant delivery credit payments for the preceding month pursuant to the process provided in paragraph (d)(1) of this section. Handlers will be promptly notified of an overpayment of credits based upon this final computation and remedial payments to or from the distributing plant delivery credit fund will be made on or before the next payment date for the following month.

(3) Distributing plant delivery credits paid pursuant to paragraphs (d)(1) and (2) of this section shall be subject to final verification by the market administrator pursuant to §1000.77 of this chapter. Adjusted payments to or from the distributing plant delivery credit fund will remain subject to the final proration established pursuant to paragraph (d)(2) of this section.

(4) In the event that a qualified cooperative association is the responsible party for whose account such milk is received and written documentation of

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this fact is provided to the market administrator pursuant to §1007.30(c)(3) prior to the date payment is due, the distributing plant delivery credits for such milk computed pursuant to this section shall be made to such cooperative association rather than to the operator of the pool plant at which the milk was received.

(5) The market administrator shall provide monthly to producers who are not members of a qualified cooperative association a statement of the amount per hundredweight of distributing plant delivery credit which the distributing plant handler receiving their milk is entitled to claim.

(e) *Eligible milk.* Distributing plant delivery credits shall apply to the following milk:

(1) Bulk unconcentrated fluid milk received directly from dairy farms at a pool distributing plant as producer milk subject to the following conditions:

(i) The farm on which the milk was produced is located within the specified marketing areas of the order in this part or the marketing area of Federal Order 1005 (7 CFR part 1005).

(ii) The farm on which the milk was produced is located in the following counties in the State of:

(A) Illinois: Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Montgomery, Perry, Pope, Pulaski, Randolph, Richland, St Clair, Saline, Union, Washington, Wayne, White, Williamson, Calhoun, Greene, Jersey, Macoupin, Madison, and Wabash.

(B) Kansas: Allen, Anderson, Bourbon, Chautauqua, Cherokee, Coffey, Crawford, Douglas, Elk, Franklin, Greenwood, Jefferson, Johnson, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Shawnee, Wabaunsee, Wilson, Woodson, and Wyandotte

(C) Missouri: Audrain, Bates, Benton, Boone, Callaway, Camden, Cass, Clay, Cole, Cooper, Franklin, Gasconade, Henry, Hickory, Howard, Jackson, Jefferson, Johnson, Lafayette, Lincoln, Maries, Miller, Moniteau, Montgomery, Morgan, Osage, Pettis, Phelps, Pike,

Platte, Pulaski, Ray, St Charles, St Clair, Ste Genevieve, St Louis, St. Louis City, Saline, and Warren

(D) Oklahoma: Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Craig, Creek, Delaware, Haskell, Hughes, Latimer, Le Flore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Pushmataha, Rogers, Sequoyah, Tulsa, Wagoner, and Washington

(E) Texas: Anderson, Angelina, Bowie, Camp, Cass, Chambers, Cherokee, Delta, Fannin, Franklin, Galveston, Gregg, Hardin, Harris, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Lamar, Liberty, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Red River, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, and Wood.

(iii) The Market Administrator may include additional counties from the states listed in paragraph (e)(1)(ii) of this section upon the request of a pool handler and provision of satisfactory proof that the county is a source of regular supply of milk to order distributing plants.

(iv) Producer milk eligible for a payment under this section cannot be eligible for payment from the transportation credit balancing fund as specified in §1007.82(c)(2).

(v) The quantity of milk described herein shall be reduced by the quantity of any bulk unconcentrated fluid milk products transferred from a pool distributing plant to a nonpool plant or transferred to a pool supply plant on the same calendar day as producer milk was received at such plant for which a distributing plant delivery credit is requested.

(2) Bulk unconcentrated fluid milk transferred from a pool supply plant regulated pursuant to §1007.7(c) or (d) to a pool distributing plant regulated pursuant to §1007.7(a) or (b). The quantity of milk described herein shall be reduced by the quantity of any bulk unconcentrated fluid milk products transferred from a pool distributing plant to a nonpool plant or transferred to a pool supply plant on the same calendar day as milk was received by

transfer from a pool supply plant at such pool distributing plant for which a distributing plant delivery credit is requested.

(f) *Credit computation.* Distributing plant delivery credits shall be computed as follows:

(1) With respect to milk delivered directly from the farm to a distributing plant:

(i) Determine the shortest hard-surface highway distance between the shipping farm's county seat and the receiving plant, and multiply the miles by an adjustment rate of not greater than ninety-five percent (95%) and not less than seventy-five percent (75%);

(ii) Subtract the Class I price specified in §1000.50(a) of this chapter for the county in which the shipping farm is located from the Class I price applicable for the county in which the receiving pool distributing plant is located;

(iii) Multiply the adjusted miles so computed in (f)(1)(i) of this section by the monthly mileage rate factor for the month computed pursuant to paragraph (h) of this section;

(iv) Subtract any positive difference in Class I prices computed in paragraph (f)(1)(ii) of this section from the rate determined in paragraph (f)(1)(iii) of this section;

(v) Multiply the remainder computed in paragraph (f)(1)(iv) of this section by the hundredweight of milk described in paragraph (e)(1) of this section;

(2) With respect to milk delivered from a pool supply plant to a distributing plant:

(i) Determine the shortest hard-surface highway distance between the transferring pool plant and the receiving plant, and multiply the miles by an adjustment rate of not greater than ninety-five (95%) percent and not less than seventy-five (75%) percent;

(ii) Subtract the Class I price specified in §1000.50(a) of this chapter for the transferring pool plant from the Class I price applicable for the county in which the receiving pool distributing plant is located;

(iii) Multiply the adjusted miles so computed in paragraph (f)(2)(i) of this section by the mileage rate factor for the month computed pursuant to paragraph (h) of this section;

(iv) Subtract any positive difference in Class I prices computed in paragraph (f)(2)(ii) of this section from the rate determined in paragraph (f)(2)(iii) of this section;

(v) Multiply the remainder computed in paragraph (f)(2)(iv) of this section by the hundredweight of milk described in paragraph (e)(2) of this section;

(g) *Mileage percentage rate adjustment.* The monthly percentage rate adjustment within the range of permissible percentage adjustments provided in paragraphs (f)(1)(i) and (f)(2)(i) of this section shall be determined by the market administrator, and publicly announced prior to the month for which effective. In determining the percentage adjustment to the actual mileages of milk delivered from farms and milk transferred from pool plants the market administrator shall evaluate the general supply and demand for milk in the marketing area, any previous occurrences of sustained uneconomic movements of milk, and the balances in the distributing plant delivery credit fund. The adjustment percentage pursuant to paragraphs (f)(1) and (2) of this section to the actual miles used for computing distributing plant delivery credits and announced by the market administrator shall always be the same percentage.

(h) *Mileage rate for the distributing plant delivery credit fund.* The mileage rate for the distributing plant delivery credit fund shall be the mileage rate computed by the market administrator pursuant to §1007.83.

(i) *Oversight of milk movements.* The market administrator shall regularly monitor and evaluate the requests for distributing plant delivery credits to determine that such credits are not encouraging uneconomic movements of milk, and the credits continue to assure orderly marketing and efficient handling of milk in the marketing area. In making such determinations the market administrator will include in the evaluation the general supply and demand for milk. If the market administrator finds that uneconomic movements are occurring, and such movements are persistent and pervasive, or are not being made in a way

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that assures orderly marketing and efficient handling of milk in the marketing area, after good cause shown, the market administrator may disallow the payments of distributing plant delivery credit on such milk. Before making such a finding, the market administrator shall give the handler on such milk sufficient notice that an investigation is being considered and shall provide notice that the handler has the opportunity to explain why such movements were necessary, or the opportunity to correct such movements prior to the disallowance of any distributing plant delivery credits. Any disallowance of distributing plant delivery credit pursuant to this provision shall remain confidential between the market administrator and the handler.

[89 FR 6409, Feb. 1, 2024]

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1007.85 Assessment for order administration.

On or before the payment receipt date specified under §1007.71, each handler shall pay to the market administrator its *pro rata* share of the expense of administration of the order at a rate specified by the market administrator that is no more than \$.08 per hundred-weight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler described in §1000.9(c) of this chapter that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in §1000.9(c) of this chapter;

(c) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to §1000.43(d) of this chapter and other source milk allocated to Class I pursuant to §1000.44(a)(3) and (8) of this chapter and the corresponding steps of §1000.44(b) of this chapter, except other source milk that is excluded from the computations pursuant to §1007.60(d) and (e); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted

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pursuant to §1000.76(a)(1)(i) and (ii) of this chapter.

[79 FR 25002, May 2, 2014; 79 FR 26591, May 9, 2014]

§ 1007.86 Deduction for marketing services.

See § 1000.86.

PARTS 1011–1013 [RESERVED]

PART 1030—MILK IN THE UPPER MIDWEST MARKETING AREA

Subpart—Order Regulating Handling

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