

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Complaint on Electronic Postmark

Docket No. C2004-2

PRESIDING OFFICER'S RULING
SCHEDULING HEARING

(Issued August 8, 2006)

Pursuant to Presiding Officer's Ruling No. C2004-2/2, August 15, 2006 was set as the tentative hearing date to consider rebuttal testimony, if any, filed in this proceeding.¹ Two participants, DigiStamp, Inc. and the Office of the Consumer Advocate, filed timely notices of intent to cross-examine Postal Service witness Thomas J. Foti (USPS-RT-1).² Consequently, a hearing on the Postal Service's rebuttal testimony will be held August 15, 2006.³

The hearing also affords a convenient opportunity for the receipt and transcription of the Direct Testimony of Rick Borgers on Behalf of DigiStamp, Inc. (DS-T-1) and any designated written cross-examination into the evidentiary record.⁴ Regarding the latter, notices designating written cross-examination for either Mr. Foti or

¹ Presiding Officer's Ruling No. C2004-2/2, May 5, 2006, Appendix.

² Response of DigiStamp to Presiding Officer's Ruling No. C2004-2/2 Regarding Scheduling Matters, August 7, 2006; Office of the Consumer Advocate Request to Cross-Examine United States Postal Service Witness Thomas J. Foti (USPS-RT-1), August 7, 2006.

³ The hearing will commence at 9:30 A.M. in the Commission's hearing room. Participants are advised that a prehearing conference is scheduled for August 15 at 2:00 P.M. in Docket No. MC2006-6. If a conflict develops, the hearing in the instant docket will be recessed, to resume following the prehearing conference.

⁴ If Mr. Borgers is not present at the hearing, an affidavit authenticating his testimony, including any designated written cross-examination, should be filed by no later than August 14, 2006.

Mr. Borgers are due no later than August, 10, 2006. See rule 30(e)(2) of the Commission's Rules of Practice and Procedure, 39 C.F.R. § 3001.30(e)(2).

RULING

1. A hearing is scheduled for August 15, 2006 at 9:30 A.M. to be held in the Commission's hearing room.
2. Notices designating written cross-examination are due no later than August 10, 2006.

Tony Hammond
Presiding Officer