

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

Rate and Service Changes to  
Implement Baseline Negotiated  
Service Agreement with Bookspan

Docket No. MC2005-3

PRESIDING OFFICER'S RULING DESIGNATING ADDITIONAL  
POST-HEARING MATERIAL INTO THE RECORD  
AND EXPEDITING THE RESPONSE DEADLINE  
TO OCA/USPS-T2-25

(Issued November 22, 2005)

Presiding Officer's Ruling No. MC2005-3/15 established November 18, 2005, as the deadline for designating material to be entered into the record for responses to questions filed with the Commission after the October 19-20, 2005, hearings in this case. That Ruling also noted that:

It is premature to close the record at this time because responses to participant interrogatories and a Presiding Officer's Information Request are outstanding. A ruling to close the record will be issued after receipt of these responses, and any necessary follow-up.<sup>1</sup>

On November 18, 2005, the Office of the Consumer Advocate (OCA) filed a Motion seeking that "the evidentiary record be kept open until the Postal Service provides a response to interrogatory OCA/USPS-T2-22."<sup>2</sup> On November 21, 2005, the

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<sup>1</sup> *Id.* at 3 (internal footnote omitted).

<sup>2</sup> Office of Consumer Advocate Motion to Keep Open the Evidentiary Record Until the Postal Service Provides a Response to Interrogatory OCA/USPS-T2-22, November 18, 2005, at 1 (Motion).

Postal Service filed a response to this interrogatory.<sup>3</sup> The OCA then withdrew the Motion.<sup>4</sup> There appears to be one remaining pending interrogatory, OCA/USPS-T2-25. Due to the expedited briefing schedule, the Postal Service shall answer or otherwise respond to OCA/USPS-T2-25 by November 28, 2005. Once this interrogatory response and any necessary follow-up are received and the participants are given the opportunity to designate such responses for inclusion in the record, the record may be closed. Given the tight time constraints set by the revised briefing schedule, designations for inclusion into the evidentiary record of such responses to this interrogatory will be due on November 29, 2005.

The Commission further designates the responses provided by witnesses Epp, Plunkett, and the Postal Service:

Witness Epp:	POIR No. 3	Question 2(b)
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Witness Plunkett:	POIR No. 3	Question 1
	POIR No. 3	Question 2(a)
	POIR No. 3	Question 2(c)

USPS Institutional:	OCA/USPS-T2-23
	OCA/USPS-T2-24

The proponents are asked to submit appropriate declarations or affidavits authenticating the accuracy of the responses to all of the material designated post-hearing by the participants and the Commission.

In an unrelated matter, Bookspan filed a Motion of Bookspan for Late Acceptance of Comments on Notice of Inquiry No. 1 on November 15, 2005. Similarly,

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<sup>3</sup> Response of the United States Postal Service to Interrogatory of the Office of the Consumer Advocate Redirected from Witness Yorgey (OCA/USPS-T2-22), November 21, 2005 (Interrogatory Response). Accompanying the Interrogatory Response was a Motion for Late Acceptance. Motion for Late Acceptance of Response of the United States Postal Service to Interrogatory OCA/USPS-T2-22, November 21, 2005 (Motion for Late Acceptance). That Motion for Late Acceptance is granted.

<sup>4</sup> Office of Consumer Advocate Withdrawal of November 18, 2005 Motion, November 22, 2005.

the Postal Service filed a Motion for Late Acceptance of Response of U.S. Postal Service to Notice of Inquiry No. 1 on November 15, 2005. These motions are granted.

### RULING

1. The Office of Consumer Advocate Motion to Keep Open the Evidentiary Record Until the Postal Service Provides a Response to Interrogatory OCA/USPS-T2-22, filed November 18, 2005, has been withdrawn.
2. A response to OCA/USPS-T2-25 is due by November 28, 2005.
3. Designations of responses to OCA/USPS-T2-25 and any necessary follow-up for inclusion in the evidentiary record will be due by November 29, 2005.
4. The Commission designates the responses provided by witnesses Epp, Plunkett, and the Postal Service as listed in this Ruling.
5. The Motion for Late Acceptance of Response of the United States Postal Service to Interrogatory OCA/USPS-T2-22, filed November 21, 2005, is granted.
6. The Motion of Bookspan for Late Acceptance of Comments on Notice of Inquiry No. 1, filed November 15, 2005, is granted.
7. The Motion for Late Acceptance of Response of U.S. Postal Service to Notice of Inquiry No. 1, filed November 15, 2005, is granted.

George Omas  
Presiding Officer