

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO UNTIMELY FILING OF SUPPLEMENTAL TESTIMONY
BY GRAYHAIR SOFTWARE, INC., GHS-ST-1
(November 22, 2006)

The Postal Service hereby objects to the filing by Grayhair Software, Inc. (GHS) of the supplemental testimony of Cameron Bellamy, GHS-ST-1, on November 20, 2006. The filing of that testimony was not authorized by the Commission rules; nor does it conform to the procedural schedule established by Presiding Officer's Ruling R2006-1/12 (June 30, 2006) (POR 12). Furthermore, the untimely filed testimony was unaccompanied by any motion requesting acceptance out of time. The untimely filing of GHS-ST-1 accordingly holds the potential for prejudicing the due process rights of other participants, including the Postal Service, if relied upon by the Commission in its Opinion and Recommended Decision.

GHS cannot claim that it was unaware of the procedural schedule since it timely filed earlier testimony in this docket on September 6, 2006 that conformed with POR 12.¹ POR 12 also set November 20, 2006 as the deadline for, "Filing of evidence in rebuttal to the cases-in-chief of participants other than the Postal Service (no discovery permitted on the rebuttal evidence; only oral cross-examination)." POR 12 at 2.

The text of GHS-ST-1 makes it clear that the testimony is not "in rebuttal to the cases-in-chief of participants other than the Postal Service" (id.) by stating that it is filed

¹ Direct Testimony of Cameron Bellamy on behalf of Grayhair Software, GHS-T-1 (September 6, 2006).

in response to Postal Service responses to Presiding Officer's Information Request No. 12 (POIR 12) filed more than 2½ months ago.² GHS-ST-1 at 1, lines 6-9. GHS does not bother to explain or even attempt to justify its delay in filing the supplemental testimony.

WHEREFORE, the United States Postal Service objects to the filing of the supplemental testimony of Grayhair Software and asks that it be rejected by the Commission, withdrawn by Grayhair Software, or otherwise not included in the evidentiary record of this proceeding.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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² The Postal Service recognizes that the POIR 12 responses were filed immediately after the date for filing of intervenor direct testimony; as such, had GHS filed a motion seeking permission to file supplemental testimony, or a motion for late acceptance of supplemental testimony within two weeks of the POIR 12 responses, the Presiding Officer would have had reasonable grounds for granting either motion. Had such a course of action been followed, no prejudice to the rights of other participants would have resulted since due process rights to file discovery and responsive testimony would still have been available.