

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

Postal Regulatory Commission
Submitted 2/26/2009 2:52:45 PM
Filing ID: 62410
Accepted 2/26/2009

REVIEW OF NONPOSTAL SERVICES

Docket No. MC2008-1 (Phase II)

UNITED STATES POSTAL SERVICE IDENTIFICATION
OF MATERIALS CONSTITUTING ITS DIRECT CASE
(February 26, 2009)

The Presiding Officer's Ruling on Procedural Dates (POR No. 1), issued on February 11, 2009, required the Postal Service to submit, by this date, a list of the statements and materials that constitute its direct case in support of authorization to provide the activities that are subject to this Phase II proceeding. Pursuant to that ruling, the Postal Service hereby designates the following as its direct case:

- 1) Statement of Gary A. Thuro (filed on November 17, 2008)
- 2) Supplemental Statement of Gary A. Thuro (filed on January 30, 2009)
- 3) Statement of Patrick R. Donahoe (filed on June 23, 2008)
- 4) Statement of Rick L. Osburn (filed on January 29, 2009)
- 5) Initial Response of the United States Postal Service to Order No. 74 (filed on June 9, 2008)
- 6) Attachment to the Response of the United States Postal Service to Order No. 126 Regarding Licensing Agreements (filed on November 17, 2008, with Errata filed on November 19, 2008).

In addition, at the prehearing conference on February 11, 2009, the status of music compact discs was discussed. The Postal Service noted its belief that

the music compact discs identified in the Supplemental Statement of Carrie A. Bornitz are part of Officially Licensed Retail Products (OLRP), a nonpostal product that was authorized by the Commission in Phase I of this proceeding. See Tr. 1/15-16 (statement of Mr. Cooper).¹ To the extent that the music compact discs discussed by Ms. Bornitz, which relate to a stamp issuance, or to a postal theme, remain a part of this Phase II proceeding, the Postal Service would also include the following materials as part of its direct case:

- 7) Supplemental Statement of Carrie A. Bornitz (filed on January 29, 2009)
- 8) Statement of Tina M. Lance (filed on March 19, 2008)

Finally, while not part of its direct case, the Postal Service would like to ensure that the various declarations filed by Mr. Randall E. Hooker in Phase I of this proceeding are admitted onto the record of this Phase II proceeding, as the Postal Service may wish to rely on those statements going forward.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Richard T. Cooper
Chief Counsel, Business & Finance Law

Nan K. McKenzie
Keith E. Weidner

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1135
(202) 268-6252, Fax -6187

¹ The Postal Service recognizes that the Commission is interested in acquiring further information regarding the music compact discs sold at the Postal Store on USPS.com in a "ready-to-mail" fashion. See Tr. 1/15-16; Order No. 154 at 35. These "ready-to-mail" music compact discs will be discussed in the Postal Service's March 10, 2009 filing concerning the "postal services" identified in Order No. 154.