

PRESIDING OFFICER'S
RULING NO. MC2004-3/3

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

Rate and Service Changes To Implement
Functionally Equivalent Negotiated Service
Agreement With Bank One Corporation

Docket No. MC2004-3

PRESIDING OFFICER'S RULING
ESTABLISHING PROCEDURAL SCHEDULE

(Issued August 25, 2004)

Presiding Officer's Ruling No. MC2004-3/2 established August 20, 2004 as the deadline for participants to request oral cross-examination of a witness in regard to the proponents' direct case. Valpak has withdrawn its "protective" request for a hearing.¹ On August 18, 2004, the OCA filed Office of the Consumer Advocate Motion for an Extension to September 3, 2004 to Request Hearing. The OCA requests an extension to the deadline for determining whether or not it will request oral cross-examination. This will allow time for the proponents to answer, and the OCA to evaluate responses to interrogatories concerning the J.P. Morgan Chase merger. OCA has indicated that counsels for the Postal Service and Bank One support the instant request. No other participant has filed a responsive pleading requesting oral cross-examination.

Consideration of interrogatory responses in regard to the J.P. Morgan Chase merger will benefit the development of the record in this docket. The motion for extension of time until September 3, 2004 is granted.

Presiding Officer's Ruling No. MC2004-3/1 tentatively established a hearing date of September 8 or 9, 2004. The Postal Service subsequently indicated that September

¹ Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Withdrawal of Protective Request for Hearing, August 20, 2004.

8, 2004 was the most convenient date for both counsel and witnesses. The Commission intends on conducting the hearing on September 8, 2004 at 10:00 AM in the Commission's hearing room until such time as it can be established that no participant requests oral cross-examination of a witness.

If OCA's statement in regard to its motion indicates that it does not request a hearing, the hearing will be deemed cancelled. Participants should monitor the Commission's Web site for OCA's statement.

Participants may designate interrogatory responses to be included in the record as written cross-examination. Designations shall be filed by September 1, 2004. Two copies of the designated material shall be provided to the Commission at that time. As to the interrogatory responses referenced in the OCA's motion for extension of time, any participant may designate the referenced interrogatories into the record at the hearing. If the hearing is cancelled, any participant may file notice to designate the referenced interrogatories with the Commission by September 9, 2004.

The Commission designates responses to POIR Nos. 1, 2, 3 and 4 to be included as record evidence in this docket.²

If the hearing is cancelled, proponents of the direct case, by motion, shall request the Commission to enter witness testimony, the designated written cross-examination, the POIRs, and any proponent designated written counter-cross-examination into the record. The motion shall include a declaration/affidavit from each witness attesting to the proposed record material. This motion is due September 13, 2004.

There is no indication that any participant intends to file rebuttal testimony in this docket. Any participant intending to file rebuttal testimony shall indicate this intent to the Commission by September 10, 2004. If necessary, rebuttal testimony shall be filed by September 24, 2004.

Assuming that no further testimony will be filed in this docket, briefs are due September 20, 2004. Reply briefs are due September 27, 2004.

² The response to POIR No. 4 is due September 2, 2004.

RULING

1. Office of the Consumer Advocate Motion for an Extension to September 3, 2004 to Request Hearing, August 18, 2004, is granted.
2. The hearing in Docket No. MC2004-3 is scheduled for September 8, 2004 at 10:00 AM in the Commission's hearing room. Participants should monitor the Commission's Web site for OCA's statement in regard to its motion for extension. If OCA's statement indicates that it does not request a hearing, the hearing will be deemed cancelled.
3. The procedural schedule is established consistent with the body of this ruling and the Attachment.
4. The Commission designates responses to POIR Nos. 1, 2, 3 and 4 to be included as record evidence in this docket.

George Omas
Presiding Officer

Docket No. MC2004-3
Attachment

DOCKET NO. MC2004-3
PROCEDURAL SCHEDULE

Hearing on proponents' direct case	September 8, 2004, 10:00 AM
Designations of written cross-examination (see limited exception in ruling)	September 1, 2004
Participants' motion to place testimony into record	September 13, 2004
Intent to file rebuttal testimony	September 10, 2004
If necessary, rebuttal testimony due	September 24, 2004
Briefs	September 20, 2004
Reply briefs	September 27, 2004