

PRESIDING OFFICER'S  
RULING NO. MC2004-4/3

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

Rate and Service Changes To Implement  
Functionally Equivalent Negotiated Service  
Agreement With Discover Financial Services, Inc.

Docket No. MC2004-4

PRESIDING OFFICER'S RULING  
ESTABLISHING PROCEDURAL SCHEDULE

(Issued August 25, 2004)

Presiding Officer's Ruling No. MC2004-4/2 established August 20, 2004 as the deadline for participants to request oral cross-examination of a witness in regard to the proponents' direct case. OCA does not request oral cross-examination. It believes that there is sufficient evidence to perform a financial analysis of the Discover Negotiated Service Agreement, and that it can now proceed to initial briefs.<sup>1</sup> Valpak has withdrawn its "protective" request for a hearing.<sup>2</sup> No other participant has filed a responsive pleading requesting oral cross-examination. Without a request for oral cross-examination, the hearing tentatively scheduled for September 8-9, 2004 is cancelled.

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.

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

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<sup>1</sup> Office of the Consumer Advocate Statement Concerning the Need for a Hearing, August 17, 2004.

<sup>2</sup> Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Withdrawal of Protective Request for Hearing, August 20, 2004.

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 3, 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 August 27, 2004. If necessary, rebuttal testimony shall be filed by September 10, 2004.

Assuming that no further testimony will be filed in this docket, briefs are due September 8, 2004. Reply briefs are due September 15, 2004.

#### RULING

1. The procedural schedule is established consistent with the body of this ruling and the Attachment.
2. The hearing on the proponents' direct case tentatively scheduled for September 8-9, 2004 is cancelled.
3. The Commission designates responses to POIR Nos. 1 and 2 to be included as record evidence in this docket.

George Omas  
Presiding Officer

Docket No. MC2004-4

**DOCKET NO. MC2004-4**  
**PROCEDURAL SCHEDULE**

Intent to file rebuttal testimony	August 27, 2004
If necessary, rebuttal testimony due	September 10, 2004
Designations of written cross-examination	September 1, 2004
Participants' motion to place testimony into record	September 3, 2004
Briefs	September 8, 2004
Reply briefs	September 15, 2004