

PRESIDING OFFICER'S
RULING NO. MC2004-3/7

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
PLACING TESTIMONY INTO EVIDENCE AND CLOSING THE RECORD

(Issued October 21, 2004)

On September 13, 2004, the Postal Service filed a motion requesting that the Direct Testimony of Michael K. Plunkett on Behalf of the United States Postal Service (USPS-T-1) (including attachments and errata), the designated written cross-examination of witness Plunkett, and the responses to POIRs by witness Plunkett be entered into the record.¹ The Postal Service filed a separate declaration from Witness Plunkett supporting the authenticity of his direct testimony, his written cross-examination, and his responses to POIRs, and provided the Commission with the original declaration in hard copy.²

On this same date, Bank One Corporation filed a motion requesting that the Direct Testimony of Brad Rappaport on Behalf of Bank One Corporation (BOC-T-1), the designated written cross-examination of witness Rappaport, and the responses to POIRs by witness Rappaport be entered into the record.³ Bank One Corporation also

¹ United States Postal Service Motion for Inclusion of Direct Testimony, Designated Written Cross-Examination, and Responses to POIRs into the Record, September 13, 2004.

² Notice of the United States Postal Service Regarding Filing of Original Declarations of Authenticity of Witness Michael K. Plunkett, September 13, 2004.

³ Motion of Bank One Corporation to Enter into the Record Testimony of Brad Rappaport, Designated Written Cross-Examination, and POIR Responses, September 13, 2004.

filed a motion requesting that the Direct Testimony of Lawrence G. Buc on Behalf of Bank One Corporation (BOC-T-2), the designated written cross-examination of witness Buc, and the responses to POIRs by witness Buc be entered into the record.⁴ Bank One attached to its motions declarations from witnesses Rappaport and Buc supporting the authenticity of their direct testimony, their written cross-examination, and their responses to POIRs, and provided the Commission with the original declarations in hard copy.

The American Postal Workers Union, AFL-CIO, the Office of the Consumer Advocate, and Valpak have designated written cross-examination.⁵ The Commission has designated the responses to POIR Nos. 1 through 6.⁶ The Postal Service and the Bank One motions are unopposed. The motions are granted.

The Postal Service filed a notice of errata and motion for corrections to Transcript Volume 2 in regard to witness Plunkett's direct testimony appearing at Tr. 2/198.⁷ Words were inadvertently omitted due to a formatting error. OCA also filed a motion to adopt transcript corrections to Transcript Volume 2.⁸ OCA requests incorporation of corrections to interrogatory responses OCA/BOC-T1-19, OCA/USPS-T1-19, OCA/USPS-T1-25, OCA/USPS-T1-28 appearing at Tr. 2/151-2, 2/250-2, 2/261-2, and

⁴ Motion of Bank One Corporation to Enter into the Record Testimony of Lawrence G. Buc, Designated Written Cross-Examination, and POIR Responses, September 13, 2004.

⁵ American Postal Workers Union, AFL-CIO Designation of Written Cross-Examination of USPS Witness Plunkett (USPS-T-1), September 1, 2004; American Postal Workers Union, AFL-CIO Designation of Written Cross-Examination of Bank One Corporation Witness Brad Rappaport (BOC-T-1), September 1, 2004; Office of the Consumer Advocate Designation of Interrogatory Responses, September 1, 2004; Office of the Consumer Advocate Supplemental Designation of Interrogatory Responses of Lawrence G. Buc, September 2, 2004; Office of the Consumer Advocate Supplemental Designation of Interrogatory Responses of Brad Rappaport, September 2, 2004; Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Designation of Written Cross-Examination, August 31, 2004; Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Supplemental Designation of Written Cross-Examination, September 14, 2004.

⁶ POR No. MC2004-3/3, August 25, 2004 (POIR Nos. 1-4); POR No. MC2004-3/4, September 3, 2004 (POIR Nos. 5-6).

⁷ United States Postal Service Notice of Fourth Errata to Direct Testimony of Michel K. Plunkett and Motion for Transcript Correction (Errata), October 15, 2004.

⁸ Motion of Office of Consumer Advocate to Adopt Transcript Corrections (Errata), October 18, 2004.

2/268-9 respectively. In each case, an earlier, and not the correct revised response, was included in the transcript. The Postal Service and OCA motions are granted. The transcript corrections shall be incorporated into the record.

Discover Financial Services, Inc. requests late acceptance of a signature page to the Stipulation and Agreement dated September 15, 2004.⁹ Parcel Shippers Association requests late acceptance of a signature page to the Modified Stipulation and Agreement dated October 5, 2004.¹⁰ These motions are granted.

Presentation of further evidence for the record in this docket is not anticipated. The record in Docket No. MC2004-3 is hereby closed.

RULING

1. United States Postal Service Motion for Inclusion of Direct Testimony, Designated Written Cross-Examination, and Responses to POIRs into the Record, filed September 13, 2004, is granted.
2. Motion of Bank One Corporation to Enter into the Record Testimony of Brad Rappaport, Designated Written Cross-Examination, and POIR Responses, filed September 13, 2004, is granted.
3. Motion of Bank One Corporation to Enter into the Record Testimony of Lawrence G. Buc, Designated Written Cross-Examination, and POIR Responses, filed September 13, 2004, is granted.

⁹ Discover Financial Services, Inc. (DFS) Motion for Acceptance of Signature Page for Stipulation and Agreement, October 1, 2004.

¹⁰ Motion for Late Filing of Signature Page by Parcel Shippers Association, October 12, 2004.

4. United States Postal Service Notice of Fourth Errata to Direct Testimony of Michael K. Plunkett and Motion for Transcript Correction (Errata), filed October 15, 2004, is granted. The transcript corrections shall be incorporated into the record.
5. Motion of Office of Consumer Advocate to Adopt Transcript Corrections (Errata), filed October 18, 2004, is granted. The transcript corrections shall be incorporated into the record.
6. Discover Financial Services, Inc. (DFS) Motion for Acceptance of Signature Page for Stipulation and Agreement, filed October 1, 2004, is granted.
7. Motion for Late Filing of Notice of Signature Page by Parcel Shippers Association, filed October 12, 2004, is granted.
8. The record in Docket No. MC2004-3 is closed.

George Omas
Presiding Officer