

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

Postal Rate and Fee Changes

Docket No. R2005-1

PRESIDING OFFICER'S RULING
REQUESTING COMMENTS ON THE PROCEDURES
FOR DESIGNATING WRITTEN
CROSS-EXAMINATION

(Issued June 29, 2005)

A Request of the United States Postal Service for Ruling to Clarify the Practice of Designating Parts of Interrogatories (Motion) was filed June 27, 2005. The Motion seeks to clarify when participants may designate only parts of an interrogatory response as written cross-examination.

The Postal Service suggests that it will follow a practice of counter-designating all subparts of an interrogatory should other participants only designate a portion of a Postal Service response. It contends that the current practice requires it to make more counter-designations than otherwise would be necessary, and that this process increases the possibility that the record will not be complete and accurate.

The Postal Service also suggests that witnesses may provide repetitive responses to multi-subpart questions in order to assure that the record reflects appropriate qualifying statements in every subpart. It contends this will unnecessarily burden the record.

Finally, it suggests that if designations of individual subparts are permissible, rule 26(b) should be changed to require each subpart of an answer to be provided on a separate page.

This Motion raises several procedural issues. The Postal Service is correct that it is administratively easier when all subparts of an interrogatory are designated. On the other hand, participants should not be required to designate for admission into evidence materials they believe to be extraneous, irrelevant, or non-responsive.

Furthermore, the Commission has encouraged the practice of allowing participants (primarily the Postal Service) to redirect portions of questions from a witness in order to obtain the most responsive answer possible. As a result, the subparts of individual questions are often answered by two or more witnesses, as well as the Postal Service as an institution. Requiring that all portions of a question be designated if any portion is designated could also cause administrative difficulties.

Participants are requested to provide comments on these issues and any other matters of concern raised by the Postal Service's Motion. Comments will be due on July 8, 2005. The Postal Service may supplement its Motion by July 8, 2005, if it wishes to expand on its initial pleading. Because of the importance this issue, reply comments will be allowed until July 15, 2005.

Comments should recognize that in recent cases, the period to prepare both designations and counter-designations has been substantially reduced in an attempt to expedite the overall procedural schedule. Timeframes are particularly short in this docket. Therefore, while this Motion is pending, participants designating subparts of interrogatory responses as written cross-examination are requested to contact Postal Service counsel and give specific notice of partial designations so as to assure that the Postal Service can make whatever counter-designations it deems appropriate.

RULING

1. Comments on the current procedures for designating written cross-examination may be filed by July 8, 2005.
2. Responses to comments on the procedures for designating written cross-examination may be filed by July 15, 2005.

George Omas
Presiding Officer