

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

Complaint on Electronic Postmark

Docket No. C2004-2

PRESIDING OFFICER'S RULING
CANCELING TENTATIVELY SCHEDULED HEARING

(Issued June 14, 2006)

Presiding Officer's Ruling No. C2004-2/2, May 5, 2006, established a procedural schedule in this proceeding, including setting June 20 as the tentative hearing date concerning the testimony of Rick Borgers on behalf of DigiStamp, Inc. At the hearing, interested parties would have an opportunity to cross-examine the witness. Parties electing to cross-examine Mr. Borgers were required to give written notice of their intent on or before June 12, 2006.¹

No participant filed notice that it elected to cross-examine Mr. Borgers. Two parties, AuthentiDate, Inc. and the Postal Service, filed notice waiving the opportunity to orally cross-examine Mr. Borgers.² Consistent with the earlier P.O. Ruling, since no party seeks an opportunity to cross-examine Mr. Borgers, the hearing tentatively scheduled for June 20 is canceled. The balance of the procedural schedule in this proceeding remains unchanged.

At an appropriate time, dates will be established for the designation of Mr. Borgers's responses to interrogatories and for the receipt and transcription of his testimony into the evidentiary record.

¹ Presiding Officer's Ruling No. C2004-2/2, May 5, 2006, at 2.

² See AuthentiDate, Inc.'s Notice Regarding Cross-Examination of DigiStamp Witness Rick Borgers, June 12, 2006; and Response of the United States Postal Service to Presiding Officer's Ruling No. C2004-2/2 Regarding Procedural Matters, June 13, 2006.

RULING

The hearing tentatively scheduled for June 20, 2006 is canceled.

Tony Hammond
Presiding Officer