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PRESIDING OFFICER'S
RULING NO. MC98-1/3

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Mailing Online Service

Docket No. MC98-1

PRESIDING OFFICER'S RULING SCHEDULING
ORAL CROSS-EXAMINATION ON THE PROPOSED
MARKET TEST

(August 21, 1998)



Order No. 1217, issued today, granted several Postal Service motions and determined to consider whether to authorize a Mailing Online Service market test prior to considering whether to establish a Mailing Online Service nationwide experiment. This ruling schedules the receipt of Postal Service direct evidence and cross-examination concerning the proposed market test, and schedules the remaining procedural steps for consideration of the market test. The procedural schedule for the consideration of the Mailing Online Service nationwide experiment will be established following the submission of reply briefs concerning the Mailing Online Service market test.

Procedures for considering the two Postal Service requests were discussed at the prehearing conference held August 14, 1998. It was generally accepted that all of the direct evidence submitted by the Postal Service was in some way related to both the market test and the nationwide experiment, but that oral cross-examination concerning the market test would not be necessary for much of that testimony. Participants identified three pieces of direct testimony that should be subject to oral cross-examination concerning the market test, with the understanding that all witnesses would be subject to cross-examination at a later date, when the experiment was the

focus of questioning. Tr. 1/67-71. Participants further indicated that they would be able to state whether they intended to present rebuttal evidence concerning the market test at the conclusion of the market test cross-examination of those three Postal Service witnesses.¹ Tr.1/66.

This ruling establishes both the order of appearance of Postal Service witnesses standing cross-examination on market test, and sets procedural dates for development of a full record for the consideration of the market test. Discovery concerning the nationwide experiment may continue however, those witnesses undergoing cross-examination on the market test will have an additional ten days to provide answers to written discovery submitted between August 18 and August 28, 1998.

Because the testimony of each of the eight witnesses offering direct evidence on behalf of the Postal Service is in some way relevant to the market test, all of that testimony will be received in evidence on August 26, 1998, subject to objections presented at that time. The Postal Service should be prepared to submit two corrected copies of its direct evidence accompanied by appropriate declarations of accuracy. All of this evidence will be subject to cross-examination when the nationwide experiment is under active consideration.

The cross-examination of Postal Service witnesses Garvey, Plunkett, and Stirewalt concerning the market test will take place on August 26-27, 1998. Participants may designate written cross-examination two days prior to the scheduled appearance of the witness by submitting two copies of the documents to be included to the Secretary of the Commission and providing notice to Postal Service counsel. Items to be offered as evidence shall identify the participant who actually posed the discovery request, the witness to whom the request was addressed (if different from the witness answering), and the number of the request.

¹ Participants noted this might not be possible if a contract between the Postal Service and the market test printer had not been executed and available for review. Postal Service filed a copy of the executed contract on August 19, 1998.

Participants will also be able to provide additional written cross-examination when the witness appears by having two copies of the written cross-examination available for inclusion in the record.

Participants should have in mind that cross-examination on August 26-27, 1998, is to be limited to matters relevant and material to the proposed market test. If counsel exercise care in framing questions, and restraint in interposing objections, it should not be difficult to restrict cross-examination to that subject.

RULING

1. The schedule for witnesses providing oral testimony concerning the Mailing Online Service market test is as follows:

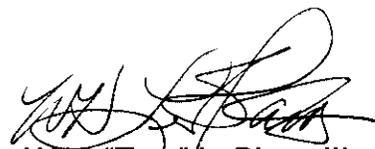
August 26, 1998

Garvey (USPS-T-1)
Plunkett (USPS-T-5)

August 27, 1998

Stirewalt (USPS-T-3)

2. The procedural schedule for the consideration of the Mailing Online Service market test is set forth in Attachment A to this ruling.


W.H. "Trey" LeBlanc III
Presiding Officer

PROCEDURAL SCHEDULE
MAILING ONLINE SERVICE MARKET TEST
DOCKET NO. MC98-1

August 26-27, 1998	Receipt of Postal Service direct evidence and cross-examination
August 27, 1998	Participant indication of intent to submit rebuttal testimony
September 4, 1998	Filing of participant evidence in rebuttal to the market test proposal
September 10-11, 1998	Hearings to receive participant rebuttal to the market test. Indication of intent to submit surrebuttal evidence.
September 10, 1998	Initial briefs (if no rebuttal evidence filed)
September 17, 1998	Reply briefs (if no rebuttal evidence filed)
September 22, 1998	Initial briefs (if rebuttal evidence is filed)
September 29, 1998	Reply briefs (if rebuttal evidence is filed)

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PRESIDING OFFICER'S
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Mailing Online Service

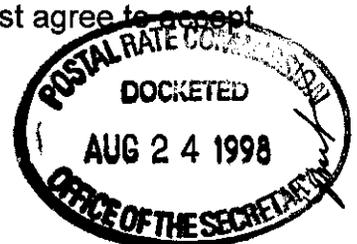
Docket No. MC98-1

PRESIDING OFFICER'S RULING SETTING EFFECTIVE START DATE OF POSTAL
RATE COMMISSION'S ELECTRONIC SERVICE EXPERIMENT

(August 25, 1998)

During the August 14, 1998 prehearing conference for the Mailing Online Service classification case, MC98-1, the Commission proposed an electronic service experiment for all filed documents in that case. The electronic service experiment was identified as a cost savings option for intervenors through its reduction of the mailing requirements for hard copies of documents, with simplified service requirements benefiting both the intervenors and the Commission. All intervenors (including the Postal Service and the Office of Consumer Advocate) have the option to participate in this electronic service experiment, which shall become operational on September 15, 1998 and is expected to continue until completion of the MC98-1 case. The Commission will post electronic versions of all relevant filings in the case, including, but not limited to, motions, responses, testimony, interrogatories, notice of library references, rulings and briefs, so that these documents can be both read and downloaded. As participants in the experiment, intervenors agree to accept the electronic posting as effective service. A detailed overview of the electronic service experiment is provided as Attachment A to this ruling.

Full Participation. Interested intervenors may choose to participate either fully or in a more restricted capacity. As a full participant, the intervenor must agree to accept



the Commission Website postings of the Commission and other participating intervenors' documents as effective electronic service. When submitting documents, the intervenor files an original and three paper copies, as well as an electronic copy of the document in its original format and/or in pdf format (on a disk or by e-mail to prc-dockets@prc.gov), with the Commission. The diskettes must be labeled with the following information: the docket number, party name, file name, type of printer and the version of software used. This constitutes service on the Commission,¹ and the Commission will effect service on all other participants, either by posting the document at www.prc.gov as service to all participating intervenors, or by serving all non-participating intervenors with a mailed hard copy of the document.

Restricted Participation. An intervenor choosing to forego the filing of electronic copies of documents may nonetheless participate in the electronic service experiment. In this instance, the participating intervenor files the requisite original and three paper copies of the document with the Commission, and also serves hard copies on all non-participating intervenors. The Commission subsequently generates the electronic copy, and posts that copy on the Commission's Website to provide full service to both the Commission and all participating intervenors. As with the full participating intervenor, the restricted participating intervenor agrees to accept electronic submissions as full service.

Those MC98-1 intervenors who decide not to participate in the electronic service experiment must follow the current rules for filing and service of documents, as provided by the Commission's Rules of Practice and Procedure 9-12.

All documents received for electronic filing on a given day should be posted by the Commission on its Website by the following morning. The Commission will continue its practice of posting a statement detailing all documents received each day (Daily Listing) on its Website. In addition, the Commission will 'e-mail' each participating

¹ In all instances, the date and time of filing for intervenors are the date and time the Commission receives paper copies at its Docket Section.

intervenor (both full and restricted) notification when all filings received the previous day can be viewed, printed and downloaded.

Intervenors may join or leave the electronic service experiment at any time during the course of the proceedings. However, all those interested parties wishing to participate in the experiment from its start date of September 15, 1998 must complete the attached consent form (Attachment B to this ruling) for intervenor participation and return it to the Commission by September 11, 1998. A hard copy status update indicating the degree of participation of *all* MC98-1 intervenors will be provided by the Commission promptly thereafter. Specific questions about the operation of the experiment may be directed to the Commission's Administrative Office, at 202-789-6840.

RULING

1. Those intervenors interested in participating in the Commission's electronic service experiment should complete the attached consent form and return it to the Commission by September 11, 1998.

2. Upon receipt of the consent forms due on or before September 11, 1998, the Commission shall issue a status update on the degree of participation of all MC98-1 intervenors.

3. Questions about the electronic service experiment may be directed to the Commission's Administrative Office at 202-789-6840.

4. The electronic service experiment shall commence on September 15, 1998, and continue until completion of the MC98-1 case.



W.H. "Trey" LeBlanc III
Presiding Officer

ELECTRONIC SERVICE EXPERIMENT

Intervenor¹ agrees to participate and accept electronic service by reading/downloading documents from the PRC Website.

- Participating Intervenor file an original and three paper copies (a total of four) and an electronic copy (a disk containing the file in the original format and/or a PDF file²). This constitutes service on the PRC. The PRC will post the electronic version on its Website as soon as possible in the form of a PDF and the original word processing file zipped under Download. Where possible, a View file in HTML will also be made available on the Website. These Intervenor agree that:
 - * the Commission's Website posting constitutes full service to all participating Intervenor
 - * the Commission will serve all non-participating Intervenor by mailing hard copy
- An Intervenor who does not wish to file an electronic copy may still be a participating Intervenor by filing an original and three paper copies (a total of four) with the Commission and agreeing that:
 - * electronic copies made by the Commission from the hard copy and posted to the Commission's Website constitutes full service to both the Commission and all participating Intervenor;
 - * Intervenor will serve hard copies on all non-participating Intervenor.
- Intervenor who choose not to participate and not to accept service via the PRC Website must follow current rules and:
 - * file an original and 24 paper copies (a total of 25) with the PRC;
 - * serve hard copies on all other Intervenor.
 - * if possible, file an electronic copy voluntarily to help out the experiment
- The date and time of filing for Intervenor is the date and time the Commission receives paper copies at its Docket Section.

¹ For purposes of this electronic service experiment, "Intervenor" includes the U.S. Postal Service and the Office of Consumer Advocate.

² A PDF file created from the original ensures that the electronic document matches the printed version. Adobe Acrobat 3.01 is available from resellers at a discount from its list price. GE Capital (1-800-999-8595) sells the NT, 95, and MAC versions for \$190.00. PRC personnel will be available for consultation on Acrobat's use. The Commission will also accept files e-mailed to prc-dockets@prc.gov instead of a disk.

STATEMENT OF AGREEMENT TO PARTICIPATE IN THE ELECTRONIC SERVICE
EXPERIMENT

The undersigned agrees to participate in the Postal Rate Commission's electronic service experiment, which will be conducted from September 15, 1998 until completion of Docket No. MC98-1. As such, the undersigned will comply fully with the terms of the experiment while a participant, but is free to leave the experiment at any point upon provision of notification to the Commission.

Participation in the experiment will be on the following basis, as defined by P.O. Ruling MC98-1/4:

_____ Full Participation

_____ Restricted Participation

It is understood and agreed that signing this consent form for participation in the electronic service experiment binds all persons representing that intervenor.

Please return this form to the Postal Rate Commission by September 11, 1998.

Party _____

Name of Representative _____

Organization of Representative _____

E-Mail address _____

Normal electronic format _____

Signature _____

Date _____

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PRESIDING OFFICER'S
RULING NO. MC98-1/5

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Mailing Online Service

Docket No. MC98-1/5

RECEIVED
AUG 25 2 25 PM '98
POSTAL RATE COMMISSION
WASHINGTON, D.C.

PRESIDING OFFICER'S RULING GRANTING
MOTIONS FOR LATE ACCEPTANCE

(August 25, 1998)

On August 17, 1998, the Postal Service filed two motions requesting that the responses to interrogatories from the Mail Advertising Service Association to witnesses Plunkett and Rothschild be received one day out of time.¹

Additionally on August 18, 1998, the Postal Service filed a motion for late acceptance of responses to interrogatories to witness Wilcox.²

As the responses were filed only one day out of time and no party appears prejudiced by the delay, I will grant the motions.

RULING



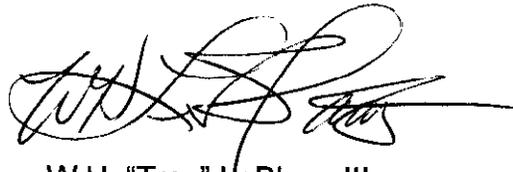
1. The Motion for Late Acceptance of Response of Witness Plunkett to Mail Advertising Service Association International Interrogatories MASA/USPS-T2-3(c) and 4(a-b), Redirected from Witness Seckar, filed August 17, 1998, is granted.

¹ Motion for Late Acceptance of Response of Witness Plunkett to Mail Advertising Service Association International Interrogatories MASA/USPS-T2-3(c) and 4(a-b), Redirected from Witness Seckar; Motion of United States Postal Service for Late Acceptance of Response of Witness Rothschild to MASA/USPS-T5-9 Redirected from Witness Plunkett.

² Motion of United States Postal Service for Late Acceptance of Responses of Witness Wilcox to MASA/USPS-T7-1 and DFC/USPS-T7-1-2.

2. The Motion of United States Postal Service for Late Acceptance of Response of Witness Rothschild to MASA/USPS-T5-9 Redirected from Witness Plunkett, filed August 17, 1998, is granted.

3. The Motion of United States Postal Service for Late Acceptance of Responses of Witness Wilcox to MASA/USPS-T7-1 and DFC/USPS-T7-1-2, filed August 18, 1998, is granted.

A handwritten signature in black ink, appearing to read 'W.H. LeBlanc III', with a long horizontal flourish extending to the right.

W.H. "Trey" LeBlanc III
Presiding Officer