

ORIGINAL
BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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Revisions to Library Reference Rule)

Docket No. RM98-2

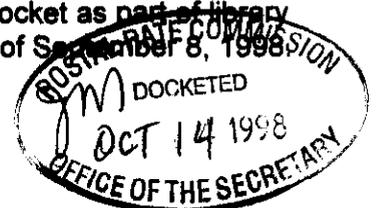
OFFICE OF THE CONSUMER ADVOCATE
COMMENTS IN RESPONSE TO ORDER NO. 1219
ON PROPOSED REVISIONS TO COMMISSION RULES
ON LIBRARY REFERENCES
(October 14, 1998)

The Commission's Notice and Order No. 1219 issued on August 27, 1998, invited comments no later than October 14, 1998, upon its proposed revisions to the Commission's rules regarding library references. The Office of the Consumer Advocate (OCA) hereby submits its comments on the proposed revisions.

I. INTRODUCTION

OCA firmly endorses the Commission's proposal to establish needed rules of practice concerning library references. The proposed rules include many of the OCA's suggestions presented in its response to the Notice of Inquiry No. 1 filed on October 3, 1997 (hereafter "Response").¹ For example, the proposed rules implement the OCA request for clarification of the procedures for handling library references and provides

¹ Office of the Consumer Advocate Response to Notice of Inquiry No. 1 On Interpretation of Commission Rules Authorizing the Use of Library References, Docket No. R97-1, filed October 3, 1997. (Hereafter "Response"). The Response is also included in this docket as part of library reference RM98-2-PRC-LR-1 filed by the Commission pursuant to notice of September 8, 1998.



for the designation of appropriate sponsorship of library reference material and seeks to establish procedures which organize the submission of library references.²

Library references have been the subject of numerous controversies in the past. OCA has often filed pleadings in various dockets proposing remedies for the difficulties encountered in dealing with library references. For these comments OCA has reviewed its past pleadings in several dockets to determine which past recommendations could still play a useful part in establishing comprehensive library reference procedures.³ The thread throughout past OCA pleadings on the issue of library reference treatment has been a focus upon obtaining a clear road map of the information interwoven between library references and other documents filed in a case. Indeed, similar issues have also been raised in the context of testimonial exhibits, working papers, as well as institutional responses of the Postal Service to interrogatories. Except for institutional responses, those matters are not the subject of these comments although many of the cross-referencing issues apply to those materials as well.

In these comments, OCA urges the Commission to emphasize in its final order the requirement that library references and the motions that accompany them include sufficient explanatory information about their nature and purpose to provide participants

² The OCA comments also discussed the appropriateness of unsponsored institutional answers to interrogatories related to material in a library reference. The proposed rules do not touch on this issue but these comments discuss the issue in section V.F., *infra*.

³ Library reference issues arose at least as early as Docket No. R80-1 in which the Presiding Officer rejected an OOC motion to direct the Postal Service to supply a witness to sponsor a library reference and to introduce as part of its direct case any library references into evidence upon which it intended to rely. See Presiding Officer's Ruling Denying OOC Motion To Have Library Reference Added To Direct Evidence Of United States Postal Service, Docket No. R80-1, July 17, 1980.

a clear road map of the filed case. This will assist in reviewing the information and provide cross-references that tie witnesses, where appropriate, to each library reference, particularly at the time of filing an application. These comments also suggest several minor adjustments and clarifications of the proposed rules to insure appropriate procedures are followed to accomplish the purposes of the rules.

II. PURPOSE OF RULES

The proposed rules rectify difficulties encountered by participants during Docket No. R97-1 whereby the large volume of library references created particular difficulties regarding the contents, the evidentiary nature, and the responsibility for sponsorship of many of the library references. The Commission therefore delayed those proceedings for approximately six weeks to provide the participants the opportunity for discovery and to cross-examine sponsors of certain library references designated as evidence by the Postal Service.⁴ In large measure, the proposed rules seek to insure that future filings of library reference materials do not threaten to interfere with the due process rights of participants or the timely completion of Commission proceedings.

III. PROPOSED RULES

More specifically, the Commission proposes to amend its rules of practice by expanding §31(b) of the rules. (A complete text of the proposed rules is attached hereto as Appendix A). The proposed rule renumbers §31(b) as subsection §31(b)(1) with two alterations: it revises the heading from "Documentary" to "Documentary material" and

⁴ Order On Certified Motions, Docket No. R97-1, Order No. 1201, November 4, 1997.

moves some text explaining the evidentiary status of library references to the end of new sub-sections §31(b)(2)-(7) which relate entirely to library references.

The new subsection 31(b)(2), Library references, defines library references and states the circumstances under which participants as a convenience may upon proper demonstration file library references. These include instances where the material is: (1) unduly burdensome due to size; (2) of limited interest; (3) a secondary source and not likely to be essential; (4) of a nature where its reference, identification or use would be facilitated if filed as a library reference; or (5) otherwise justified as determined by the Commission or presiding officer.

Subsection 31(b)(3), Form and timing of required demonstration, requires, for the first time, a demonstration in the form of a motion setting forth specific particulars why the filing of a library reference should be authorized. Currently, a notice of filing of library references is acceptable. The motion shall include: why designation as a library reference is sought, an explanation of how the material relates to the participant's case or to issues in the proceedings; whether the material contains a survey or survey results; a good-faith indication whether the participant anticipates the material will be entered, in whole or in part, into the evidentiary record; and the identity of the authors or others materially contributing to the preparation of the library reference. The motion shall be accompanied by the material proposed for designation as the library reference or, if appropriate, accompanied by a comprehensive description of the material in lieu of the material.

Subsection 31(b)(4), Conditional acceptance, provides for conditional acceptance of the library reference designation pending ruling on the merits of the motion for acceptance.

Subsection 31(b)(5), Labels and descriptions, requires labels and descriptions on library references indicating the proceeding, the document or issue to which it relates, the participant designating, identity of witnesses sponsoring the material or a reason why the sponsor cannot be identified, and, to the extent feasible, other library references or testimony referred to in the library reference. Also required is an explicit indication whether the library reference is an update or revision to a library reference filed in another proceeding together with an adequate identification of the predecessor material.

Subsection 31(b)(6), Electronic version, requires material filed as a library references to be also filed in an electronic version absent a showing why it cannot be supplied or should not be required.

Subsection 31(b)(7), Status of library references, contains revised text of the existing rule relocated from §31(b) stating the status of library references is that designation of the material as a library reference and acceptance in the Commission's docket section does not confer evidentiary status.

IV. ADVANTAGES AND BENEFITS OF PROPOSED RULES

OCA applauds the Commission's proposal to establish permanent rules for the filing of library references. The proposed changes further a fundamental purpose to enable participants timely access to the data underlying witness presentations. If the data is obfuscated in a mass of incomprehensible library references, de facto,

unfairness results. The rules will, first, eliminate the need for several special rules often issued in previous proceedings. Second, they eliminate unnecessary motion practice which relitigates library reference issues with every proceeding. Third, they provide a measure of certainty to the process that enables the participants to follow familiar and tested procedures. Fourth, they establish the parameters which the Postal Service will know it must follow with the filing of its initial application with the Commission.

The Postal Service is in the unique position of initiating Commission proceedings with extensive filings including numerous library references with its applications. For instance, in Docket No. R97-1, the Postal Service filed 214 library references with its application.⁵ At present, by the time motions to establish appropriate sponsorship of library references are ruled upon, significant review and discovery time is lost by all parties and the Commission. These rules will provide guidance to the Postal Service for its filings at the earliest stages of proceedings. These advantages of the new rules will further the fair and timely analysis of participants' presentations.

OCA also applauds the purpose of the rules to assure due process to the participants in the Commission's proceedings and to assure timely Commission action. Unless the Commission and the participants have ready access early in proceedings to necessary facts sufficient to narrow the issues before going forward, due process is placed in jeopardy. The legislative framework requiring in many instances Commission action within ten months of filing necessitates processes that will ensure the participants

⁵ See the listing of 214 library references filed by the Postal Service which, for the most part, does not identify any witness or other individual as a sponsor of the library reference. Notice of Filing of Library References, Docket No. R97-1, July 10, 1997.

can readily decipher library references. Otherwise, the Congressional intent to provide for full, open and fair proceedings would not be realized.⁶ To insure these goals are met, the rules must require appropriate cross-referencing to provide a clear road map for participants in order to insure the Postal Service and other parties cannot use library references as a matter of litigating strategy.

V. COMMENTS AND SUGGESTIONS

E. Rule 53--LIBRARY REFERENCES RELIED UPON BY APPLICANT AND DESIGNATION OF THEIR SPONSORS MUST BE FILED AT THE TIME OF THE APPLICATION.

The OCA Response requested the Commission to amend Rule 53 to require the identification of witnesses sponsoring library references at the time of filing an application. Specifically, OCA recommended that the Postal Service be required, at the time it files an application, to identify the library reference material on which it intends to rely and to identify a sponsoring witness for all the library reference material submitted in the application (not just that material on which it intends to rely).⁷ The Commission's Notice mentions OCA's recommendation but does not discuss it further and the proposed rule does not cover this recommendation, perhaps in the belief that the proposed rule meets the intent of the recommendation.

However, the proposed rules do not require the Postal Service to file with its application those library references upon which it may intend to rely.⁸ OCA's

⁶ See Comments of the Office of the Consumer Advocate to the Postal Rate Commission, Docket No. RM97-1, filed January 31, 1997 at 12-18.

⁷ Response at 21.

⁸ In Docket No. R97-1 the Postal Service filed numerous library references with its application which were necessary to review the application, many of which were later introduced into

recommendation would ensure early notification by the Postal Service of not only the direct evidence contained in direct testimony and exhibits but the library references and other material on which it intends to rely, together with sponsoring witnesses for all material filed at the time of the application. Rule 53 should be amended accordingly. Otherwise, the Postal Service would still be able to employ litigation strategy and delay submitting motions demonstrating a justification for filing library references until a date sometime later than the application date, thus reducing the time for review and infringing upon the fairness of the Commission's processes and hearings.

B. Rules 31(b)(3) and 31(b)(1)--CROSS-WALK ROAD MAP

As proposed, the rules move toward the goal long sought in OCA pleadings for full identification of library references in the context of the proceeding. However, the proposed rules do not require the kind of cross-walk road map necessary to insure fairness in the Commission's proceedings. The Commission specifically recognized this need for a road map in Docket No. R97-1 when it ruled on motions seeking sponsors for library references:

At a minimum, the Postal Service should provide a complete, detailed road map to allow a reviewer easy access to sources used to develop a witness's conclusions.

The need for a complete, detailed road map can not be over emphasized. To a witness who has spent months developing cost studies to support testimony, it may be obvious how studies interrelate, and how one study provides the source of the justification for a relationship relied upon by a second study. To a reader less familiar with the topic, the relationship probably is not so clear.⁹

evidence by the Postal Service as material upon which it relied. See Response at 10-14 and the road map laboriously assembled by OCA following the application which was included as Attachment A to the Response.

⁹ Order On Certified Motions, Docket No. R97-1, November 4, 1997 at 14.

Proposed Rule 31(b)(5) provides that each library reference shall include in a preface or summary "to the extent feasible, other library references or testimony referred to [in the library reference]." This requirement does not go far enough. It does not require an equally important cross-walk moving from the witnesses' testimony and exhibits to the library references. That is, it should be possible to determine which library reference a particular witness has relied upon or referenced. Such a cross-walk is especially needed at the time of an initial application when hundreds of library references may be filed. Participants should not be required to sift through the labels of every library reference to determine which of them may relate to a particular witness. When the Postal Service files its application, it should provide the cross-walk road map listing, by witness, of the relevant library references and the pertinent portions of their testimony, exhibits, and workpapers to which the library references relate.¹⁰

Presentation of this information would not impose a burden upon the Postal Service. A cross-walk road map, by witness, was included in the Postal Service's request filed in Docket No. R97-1 as Attachment F.¹¹ However, that attachment listed only exhibits and workpapers. Merely adding a column for the library references sponsored by the witnesses would not be burdensome.

In addition, in major proceedings where ultimately hundreds of library references are filed, a simple workable system to continually update a cross-walk is desirable. In

¹⁰ We incorporate by reference our discussion of the need for road maps from pages 16-21 of the Response.

¹¹ As an example for reference, a page of that Attachment F is attached as Appendix B.

Docket No. R97-1, a total of 354 library references were filed: 214 with the July 10, 1998 application filing and another 140 between July 31, 1997 and March 20, 1998. By OCA's count, there were 127 working days during the latter period. Therefore, over that period an average of more than 1.1 Postal Service library references were filed per day. In addition, another 50 library references were filed by 13 other participants in that proceeding. In Docket No. R90-1, the Postal Service filing included over 200 library references with its initial request.¹² Ultimately, in Docket No. R90-1, almost 350 library references were filed by the Postal Service and about 80 more were filed by intervenors.¹³

Given the constant filing of library references, the rule should also require that the Postal Service provide with each library reference filing an amendment to the table initially filed with the application listing, by witness, the pertinent portions of their testimony and exhibits to which the newly filed library reference relates.

In order to provide the necessary road map with the initial filing and for later library references, OCA recommends therefore an addition to proposed Rule 31(b)(3) concerning the contents of library reference motions. At the end of the second paragraph of §31(b)(3), add the following sentence: "The motion shall include a listing, by witness, of those witnesses who rely upon or cite to the library reference together with specific references to pages and schedules in testimony and exhibits where the library reference is cited."

¹² Motion of OCA to Compel Responses to Interrogatories, Docket No. R90-1, March 21, 1990 at 1.

¹³ OCA Motion for Special Rules of Practice for Filing Library References, Docket No. R94-1, April 1, 1994 at 1.

In addition, related to the need for a clear road map to speed the review process of library references is the necessity that testimony and exhibits contain adequate references. Those documents often cite to voluminous amounts of complex data. In the past the references provided by the Postal Service have not been as precise as OCA desired. To avoid delays in reviewing documentation those documents must include comprehensive citation references to the appropriate page and, where necessary, line numbers of other materials filed in the proceeding. OCA therefore proposes that the Commission add a sentence to Rule 31(b)(1) which emphasizes the need for specific references in all testimony and exhibits. After the first sentence of Rule 31(b)(1) insert, "Exhibits prepared for Commission proceedings shall cite with specificity the page and, if necessary for comprehension, the line number, of specific portions of testimony, exhibits, library references or other referenced material."

C. Rule 31(b)(3)--SURVEYS

The OCA Response also suggested rules regarding survey data which are not contained in the proposed rules. The proposed Rule 31(b)(3) requires motions for library references to indicate whether the subject library reference "contains a survey or survey results," but this is far different than the OCA proposal that participants be required to submit all data collected pursuant to a survey with the participant's initial filing of its direct case and not just upon subsequent request.¹⁴ The time lost in requesting underlying raw data through discovery creates unnecessary delay for participants and inhibits the analysis of any survey. If participants are unwilling to

¹⁴ Response at 24.

provide initially such information, the rules should provide that survey results that cannot be tested and verified because they are unsupported by raw actual data are entitled to little weight.¹⁵

D. Rule 31(b)(5)--EXPLANATION OF THE TERM "SPONSOR"

OCA recommends clarification of §31(b)(5) of the proposed rules to include a brief explanation of the obligations of the designated "sponsor" to respond to cross-examination on library references. The proposed rule requires library reference filings to include the "identity of witnesses sponsoring the material or a reason why the sponsor cannot be identified." OCA recommended in its Response that the Postal Service and others should be required to provide a competent witness who can be cross-examined on all material not prepared by the participant or its consultants which it submits in a proceeding.¹⁶ We suggested this does not necessarily mean the sponsoring witness must adopt or defend all analyses and conclusions of the material, only that the witness be prepared as a minimum to answer questions concerning the facts and authenticity of the document.¹⁷ But where the study is prepared by the participant or its consultants, sponsorship should include the obligation to explain the participant's position with regard to the conclusions of the study.

The proposed rule would apply not only to the Postal Service but to all future participants in the Commission's proceedings who may want to introduce library

¹⁵ Response at 25, citing the Commission's order to this effect in PRC Opinion No. MC93-1 at 15-20.

¹⁶ Response at 7.

¹⁷ See Response at 5, citing a similar Commission directive in Order No. 772, Order Directing Production of Postal Service Witness, Docket No. R87-1, issued August 14, 1987 at 3-4.

references into the proceedings. As written, the rule might discourage future participants not fully versed in the Commission's practices from filing useful library references if they believe or are unsure whether a designated "sponsor" must adopt the analyses and conclusions of studies as his or her own. For clarity, therefore, we suggest including two sentences in §31(b)(5) of the rule to state, "A sponsor will be obligated to authenticate the material in the library reference and to answer questions of a factual nature regarding the library reference. In addition, if the library reference is prepared by the sponsor's employer, or an affiliate of the employer, or a consultant to either, the sponsoring witness will be expected to adopt (or explain why they are not adopted) the analyses and conclusions of the material."

E. Rule 31(b)(5)--LABELS AND DESCRIPTIONS

The rules must also make clear that complete labels and references prescribed by §31(b)(5) must be submitted at the time of filing the motion for authorization to file the library reference, together with the electronic version prescribed by §31(b)(6). If the labels and references fail to meet the rule's requirements, the library reference should be deemed incomplete and the motion for filing not considered until those requirements are met (in addition to the requisite demonstration of justification for the filing of the library reference under §31(b)(3)).

Also, the rules should provide that if the labels and descriptions are incomplete, the party filing the library reference must indicate which of the information required in §31(b)(5) is not included and when it will be filed. This will notify participants that information necessary to fully evaluate the library reference is not yet complete and will enable participants to plan better their review of the material.

F. Rule 25(b)--SPONSORS FOR INSTITUTIONAL RESPONSES

The proposed rules also do not touch upon a related matter also raised by OCA: the sponsorship of institutional responses to interrogatories.¹⁸ At present, Commission practice permits interrogatory responses by the Postal Service as an institution without designation of a person who shall sponsor the response and answer cross-examination concerning the response. This practice is not formally recognized in the Commission's rules. OCA recommends amending Rule 25(b) by inserting after the fourth sentence ending with the phrase, "but need not be served on participants" the following sentence, "Answers on behalf of the participant institution shall indicate the sponsoring witness who shall be prepared to explain to the extent necessary the basis for the answer to the interrogatory."

VII. CONCLUSION

For all of the above reasons the Commission should therefore:

1. Amend Rule 53 to require the Postal Service to file with its application those library references upon which it intends to rely.
2. Add to proposed §31(b)(3) at the end of the second paragraph, the sentence, "The motion shall include a listing, by witness, of those witnesses who rely upon or cite to the library reference together with specific references to pages and schedules in testimony and exhibits where the library reference is cited."
3. After the first sentence in §31(b)(1) which now states, "Documents and detailed data and information shall be presented as exhibits.", insert the following sentence, "Exhibits prepared for Commission proceedings shall cite with specificity the page and, if necessary for comprehension, the line

¹⁸ Response at 22.

number, of specific portions of testimony, exhibits, library references or other referenced material”.

4. State in proposed §31(b)(3) that surveys not supported by raw data permitting testing and verification are entitled to little weight in the Commission's deliberations.
5. Add to proposed §31(b)(5) two sentences, “A sponsor will be obligated to authenticate the material in the library reference and to answer questions of a factual nature regarding the library reference. In addition, if the library reference is prepared by the sponsor's employer, or an affiliate of the employer, or a consultant to either, the sponsoring witness will be expected to adopt (or explain why they are not adopted) the analyses and conclusions of the material.”
6. Clarify §31(b)(5) to indicate labels and descriptions must be complete or the motion will not be considered until the requirements are met and if they are incomplete the motion must indicate which required information is not included in the label and descriptions.
7. Amend Rule 25(b) by adding after the fourth sentence, “Answers on behalf of the participant institution shall indicate the sponsoring witness who shall be prepared to explain to the extent necessary the basis for the answer to the interrogatory.”

Respectfully submitted,



Kenneth E. Richardson
Attorney

Following is the text of the Commission's proposed revisions to §31(b) of the Commission's Rules:

§31(b) Documentary material. (1) General. Documents and detailed data and information shall be presented as exhibits. Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant or not intended to be put in evidence, the participant offering the same shall plainly designate the matter offered excluding the immaterial or irrelevant parts. If other matter in such document is in such bulk or extent as would unnecessarily encumber the record, it may be marked for identification, and, if properly authenticated, the relevant and material parts thereof may be read into the record, or, if the Commission or presiding officer so directs, a true copy of such matter in proper form shall be received in evidence as an exhibit. Copies of documents shall be delivered by the participant offering the same to the other participants or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the entire document and to offer in evidence in like manner other material and relevant portions thereof.

(2) Library references. The term "library reference" is a generic term or label that participants and others may use to identify or designate certain documents or things ("material") filed with the Commission's docket section. The practice of filing a library reference is authorized primarily as a convenience to participants and the Commission under certain circumstances. These include:

(i) when the participant satisfactorily demonstrates that the physical characteristics of the material, such as number of pages or bulk, are reasonably likely to render compliance with service requirements unduly burdensome;

(ii) when the participant satisfactorily demonstrates that interest in the material or things so labeled is likely to be so limited that service on the entire list would be unreasonably burdensome, and the participant agrees to serve the material on individual participants upon request;

(iii) when the participant satisfactorily demonstrates that designation of material as a library reference is appropriate because the material constitutes a secondary source. A "secondary source" is one that provides background for a position or matter

referred to elsewhere in a participant's case or filing, but does not constitute essential support and is unlikely to be a material factor in a decision on the merits of issues in the proceeding;

(iv) when the participant satisfactorily demonstrates that the reference to, identification of, or use of the material would be facilitated if it is filed as a library reference; or

(v) when otherwise justified by circumstances, as determined by the Commission or presiding officer.

(3) Form and timing of required demonstration. The requisite demonstration shall be provided in the form of a motion. In general, the motion shall be accompanied by the simultaneous filing, with the Commission's docket section, of a copy of the material proposed for designation as a library reference. If appropriate, a comprehensive description of the material may be filed with the docket section in lieu of the material itself.

The motion shall set forth with particularity the reason(s) why designation of the material as a library reference is being sought; explain how the material relates to the participant's case or to issues in the proceeding; indicate whether the material contains a survey or survey results; and provide a good-faith indication of whether the participant anticipates that the material will be entered, in whole or in part, into the evidentiary record. The motion shall also identify authors or others materially contributing to the preparation of the library reference.

If the participant filing the library reference anticipates seeking to enter all or part of the material contained therein into the evidentiary record, the motion also shall identify portions expected to be entered and the expected sponsor(s).

(4) Conditional acceptance. Material accompanying a motion invoking the library reference designation shall be accepted in the Commission's docket section conditionally, pending a ruling on the merits of the motion.

(5) Labels and descriptions. Material proposed to be filed as a library reference shall be labeled in a manner consistent with standard Commission notation and any other conditions the Presiding Officer or Commission establishes. In addition, material

designated as a library reference shall include a preface or summary addressing the following matters: the proceeding and document or issue to which the material relates; the identity of the participant designating the library reference; the identity of the witness or witnesses who will be sponsoring the material or the reason why a sponsor cannot be identified; and to the extent feasible, other library references or testimony referred to within. In addition, the preface or summary shall explicitly indicate whether the library reference is an update or revision to a library reference filed in another Commission proceeding, and provide an adequate identification of the predecessor material.

(6) **Electronic version.** Material filed as a library reference shall also be made available in an electronic version, absent a showing of why an electronic version cannot be supplied or should not be required to be supplied.

(7) **Status of library references.** Designation of material as a library reference and acceptance in the Commission's docket section does not confer evidentiary status. The evidentiary status of the material is governed by this section.

INDEX OF TESTIMONIES/DOCKET NO. R97-1

WITNESS	TESTIMONY	EXHIBITS		WORKPAPERS	ATTORNEY
		TITLE	NUMBER		
Mr. Pafford	USPS-T-1	None		None	Anne Reynolds (202) 268-2970
Ms. Nieto	USPS-T-2	None		None	Anne Reynolds (202) 268-2970
Mr. Harahush	USPS-T-3	None		None	Anne Reynolds (202) 268-2970
Mr. Moden	USPS-T-4	None		None	Scott Reiter (202) 268-2999
Mr. Alexandrovich	USPS-T-5	Cost Segments and Components, Base Year 1996	USPS-5A	Workpapers-A through C	Susan Duchek (202) 268-2990
		Final Adjustments, Base Year 1996	USPS-5B		
		Coast Revenue Analysis, Base Year 1996	USPS-5C		
Dr. Tolley	USPS-T-6	Quarterly and Government Year Volume Forecasts	USPS-6A	Workpaper-1-2	Eric Koetting (202) 268-2992
Mr. Thress	USPS-T-7	None		Workpapers-1-3	Eric Koetting (202)268-2992

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

A handwritten signature in cursive script that reads "Kenneth E. Richardson".

KENNETH E. RICHARDSON
Attorney

Washington, D.C. 20268-0001
October 14, 1998