

PRESIDING OFFICER'S
RULING NO. MC2000-1/4

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

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Docket No. MC2000-1

PRESIDING OFFICER'S RULING
ADDRESSING EVIDENTIARY AND PROCEDURAL MATTERS
RELATED TO MOTION FOR CONSIDERATION
OF STIPULATION AND AGREEMENT

(January 4, 2000)

On December 20, 1999, the Postal Service and certain participants in this docket¹ (collectively referred to as the settlement parties or the signatories) submitted a filing captioned "Motion for Consideration of [an Accompanying Revised] Stipulation and Agreement." The motion states that the stipulation and agreement (agreement) represents a negotiated settlement by the signatories of all issues raised in this proceeding. It further states that agreement that has been submitted for the Commission's consideration differs from the one filed with the Service's Request in two respects: modification of paragraph 2 and addition of new paragraph 10. The Service represents that the agreement is unopposed.²

¹ Advertising Mail Marketing Association, Alliance of Nonprofit Mailers, American Business Press, Association of American Publishers, Classroom Publishers Association, Cox Target Media, Inc. and Cox Consumer Sampling; Imagine Media; Magazine Publishers of America, Marietta Corporation, The McGraw-Hill Companies, Inc., National Newspaper Association; Time Warner Inc., and the Office of the Consumer Advocate. These participants, along with the Postal Service, are collectively referred to in the motion and in this ruling as the settlement parties.

² The Newspaper Association of America and the Mail Advertising Service Association have authorized the Service to indicate that they do not oppose the agreement. The Service states that no response has been received from David B. Popkin. Motion at 2.

The settlement parties request that the Commission issue an Opinion and Recommended Decision which is based upon the evidence submitted by the Postal Service with its request, and which recommends the Domestic Mail Classification Schedule (DMCS) changes contained in an attachment to the agreement.

To facilitate consideration of the signatories' request, the Postal Service is requested to prepare and submit to the Commission, within 10 days of the issuance of this ruling, two sets of the designated responses referred to paragraph 2 of the agreement and identified in Attachment A to the agreement.

As no formal hearings have been held in this proceeding, the usual hearing room procedure for having a witness attest to his or her testimony and to the accuracy of responses to designated interrogatories was not used. It appears that with the exception of the institutional responses, all other interrogatories that have been designated for inclusion in the record have been attested to by a witness. The Service is requested to provide an attestation for the institutional responses and for any other material (such as direct testimony) that may require formal attestation.

In the absence of an objection, the Commission anticipates entering the material referred to in the agreement into the evidentiary record and closing the record the day after the deadline for the Service's submission of the requested packet and attestations. Persons objecting to this proposed course of action should submit a filing stating the grounds for their objection within 7 days of the issuance of this ruling.

RULING

1. The Postal Service is directed to file the material referred to in the body of this ruling within 10 days.

2. Persons objecting to the procedural steps anticipated with respect to the evidentiary record are directed to file an objection within 7 days of this ruling.

A handwritten signature in black ink, appearing to read "George A. Omas", written in a cursive style.

George A. Omas
Presiding Officer