

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

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Docket No. MC2000-2

UNITED STATES POSTAL SERVICE'S
COUNTER-DESIGNATION OF RECORD FROM DOCKET NO. MC98-1
(January 19, 2000)

Pursuant to the ruling of the Presiding Officer on January 12, 2000 (Tr. 2/42-44) the United States Postal Service hereby counter-designates for inclusion in the evidentiary record of this proceeding those parts of the record from Docket No. MC98-1 set forth in Attachment A hereto.

The Presiding Officer could be understood to have expected that the Postal Service's counter-designations would only involve Postal Service witnesses, Tr. 2/44, although that was neither what the Postal Service requested, Tr. 2/40-41, nor what the OCA agreed was reasonable, Tr. 2/42, lines 14-17. Counsel for the Postal Service intended to indicate only the lack of a formal objection to designations made by other participants. Having now reviewed the designations of other participants, it has become clear that designations involving testimony and cross-examination of some other witnesses has been specific to the point of excluding the Postal Service's own cross-examination of those witnesses. Accordingly, Attachment A relates also to the testimony of other witnesses where necessary to preserve the legal arguments previously made available via that evidence.¹ The Postal Service has no formal objections to others' designations.

¹ If necessary, and if so for the reasons stated above, the Postal Service hereby moves for reconsideration of the Presiding Officer's ruling at Tr. 2/44.

The Postal Service notes, however, the impropriety of MASA's designation of interrogatory responses by Docket No. MC98-1 witness Stirewalt, because these responses will confuse, rather than add to, the record in this proceeding. Witness Stirewalt's cost study was effectively superseded by witness Lim's cost study in Docket No. MC98-1. See Notice of United States Postal Service Regarding Expected Filing Date for Supplemental Testimony, filed November 20, 1998 (in Docket No. MC98-1). Among other areas of change, witness Lim used a new approach for estimating help desk costs, which uses actual contract amounts and cost projections, rather than the assumed help desk call durations or hours used by witness Stirewalt. This new approach is also used in the current docket. See USPS-T-3 at 9-10, and witness Lim's response to interrogatory MASA/USPS-T3-3-4 (Tr. 3/366-67). Witness Stirewalt's responses to Docket No. MC98-1 interrogatories on the details of his old approach thus are not relevant to witness Lim's cost testimony in this docket or Docket No. MC98-1. Instead, the Stirewalt material will simply confuse the record. The only assistance witness Stirewalt's responses could shed on witness Lim's testimony would be as cross-examination to test how and why witness Lim chose his particular approach; the procedurally proper means of conducting such an interrogation was thus via written or oral cross-examination (*see, e.g.*, Tr. 3/367) -- both of which were concluded last week. Accordingly, while it may be appropriate to include witness Stirewalt's material as cross-examination exhibits that lack evidentiary status, it is inappropriate to treat it as record evidence in this docket. If, however, the MASA designations are to be accepted, the Postal Service believes the following related interrogatory responses by witness Stirewalt should also be included: Tr. 4/849-50, 854-57; Tr. 5/959-60.

With respect to witness Lim, MASA designates Pitney Bowes' request for a homework response by witness Lim. The response to that request, at Tr. 10A/2542, should also be included.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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January 19, 2000

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



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January 19, 2000

ATTACHMENT A

**UNITED STATES POSTAL SERVICE'S
COUNTER-DESIGNATION OF RECORD FROM DOCKET NO. MC98-1
(January 19, 2000)**

Witness Garvey

Tr. 1/218
Tr. 6/1596 – 1599 In. 24
Tr. 7/1719 – 25

Witness Rothschild

Tr. 4/1309 – 1325

Witness Plunkett

Tr. 2/617 – 622
Tr. 5/1122 – 1131
Tr. 8/1776 -- 1831

Witness Schuh:

Tr. 9/2050-76

Witness Jurgena

Tr. 9/2094, 2096-97

Witness Prescott

Tr. 9/2146-77

Witness Callow

Tr. 10/2301 – 2391
Tr. 10/2244-97

Witness Takis (Tr. 11/2667-2795):

Tr. 11/2667 In. 17 – Tr. 11/2709 In. 22
Tr. 11/2714 In. 7 – Tr. 11/2720 In. 14
Tr. 11/2732 In. 9 – Tr. 11/2733 In. 1
Tr. 11/2743 In. 6 – Tr. 11/2748 In. 11

Tr. 11/2753 ln. 11 – Tr. 11/2754 ln. 14
Tr. 11/2772 ln. 8 – Tr. 11/2773 ln. 14
Tr. 11/2774 ln. 14 – Tr. 11/2775 ln. 1
Tr. 11/2778 ln. 5-18

Witness Stirewalt

Tr. 4/849-50, 854-57; Tr. 5/959-60

Witness Lim

Tr. 10A/2542