

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

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Mailing Online Experiment

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Docket No. MC2000-2

OFFICE OF THE CONSUMER ADVOCATE  
(1) NOTICE OF INTENT TO WITHDRAW THE TESTIMONY  
OF WITNESS JAMES F. CALLOW AND (2) MOTION TO SUSPEND  
PROCEDURAL DEADLINES RELATING TO THE CALLOW TESTIMONY  
(February 18, 2000)

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Following a period of cooperative effort to narrow issues in Docket No. MC2000-2, it appears that the Postal Service, Pitney Bowes, and the Office of the Consumer Advocate ("OCA") are now in agreement on the important issue of functional equivalency language and, more broadly, on the propriety of making basic automation rates available for functionally equivalent services if such rates are available for Mailing Online ("MOL"). As the Postal Service pointed out in its Response to Notice of Inquiry ("NOI") No. 1,<sup>1</sup> the Postal Service and the OCA (and now Pitney Bowes) agree that the language set forth in the Postal Service's Response to NOI 1 should be incorporated into the DMCS.

The proposed language provides fairness for MOL competitors and offers the opportunity to consumers and SOHO mailers to obtain lower postage rates for their low-volume mailings because of the capability of both MOL and equivalent services to

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<sup>1</sup> Filed February 10, 2000.

commingle mailings of multiple customers to achieve volume minimums and increased presortation, and to enter such mailings closer to the point of delivery.

The Postal Service is now preparing a Stipulation and Agreement that the OCA intends to sign and Pitney Bowes indicates that it supports as well. It is believed that no party will oppose the Stipulation. Therefore, the OCA hereby informs the Presiding Officer that it intends to withdraw the testimony of witness James F. Callow (OCA-T-100) immediately following the filing of the Stipulation.

In view of the impending withdrawal of Mr. Callow's testimony, the OCA moves that all procedural deadlines related to his testimony be suspended.<sup>2</sup> First, the OCA requests that Mr. Callow be relieved of his obligation to respond to Postal Service interrogatories USPS/OCA-T100-1-13<sup>3</sup> on February 22, 2000.<sup>4</sup> When Mr. Callow's testimony is withdrawn, the OCA understands that the Postal Service will withdraw its interrogatories to him,<sup>5</sup> thereby rendering responses unnecessary. Second, the OCA asks that the February 24, 2000, hearing date also be suspended, since oral cross-examination of withdrawn (or soon-to-be-withdrawn) testimony also serves no purpose.

Presiding Officer's Ruling No. MC2000-2/7<sup>6</sup> directed the participants to be prepared to discuss the propriety of designating Postal Service witness Stirewalt's

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<sup>2</sup> Counsel for the Postal Service has reviewed this document and has authorized the OCA to state that the Postal Service agrees that procedural deadlines related to OCA-T-100 be suspended.

<sup>3</sup> Filed February 10, 2000.

<sup>4</sup> A seven-business-day rule for responding to discovery requests was established in Presiding Officer's Ruling No. MC2000-2/1, issued December 14, 1999.

<sup>5</sup> Written cross-examination of withdrawn testimony would appear to be improper in any event.

<sup>6</sup> Issued February 11, 2000.

testimony from Docket No. MC98-1 as evidence in the instant proceeding. The OCA suggests that this matter be handled in writing, in lieu of oral argument on February 24, if the Presiding Officer agrees that it would be prudent to suspend (and eventually cancel) the hearing on the Callow testimony.

Based on conversations with counsel for the Postal Service and Pitney Bowes, it appears that the remaining issues in the case can be addressed in briefs. It is the OCA's understanding that when the Postal Service files the Stipulation, it will address briefing dates and any remaining procedural matters to bring this case to a prompt conclusion.

Wherefore, the OCA hereby (1) gives notice that it will withdraw OCA-T-100 immediately following the filing of the Stipulation and Agreement now being prepared by the Postal Service, and (2) moves that procedural dates generated by the OCA's filing of testimony, *i.e.*, the February 22 deadline to respond to Postal Service interrogatories USPS/OCA-T100-1-13, and the February 24 hearing to receive Mr. Callow's testimony into evidence, be suspended (and eventually cancelled).



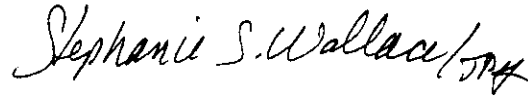
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CERTIFICATE OF SERVICE

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 "Stephanie S. Wallace" followed by a flourish.

STEPHANIE S. WALLACE

Washington, D.C. 20268-0001  
February 18, 2000