

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

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Docket No. R2000-1

MAGAZINE PUBLISHERS OF AMERICA, INC.
NOTICE OF INTENTION TO OBJECT
TO THE INTRODUCTION OF EVIDENCE

(APRIL 18, 2000)

The Magazine Publishers of America, Inc. (MPA) hereby gives notice of its present intention to object to the introduction into evidence of data collected for the Engineered Standards/Delivery Redesign (ES) project referenced in the testimony of United States Postal Service Witness Raymond (USPS-T-13 at 3), as well as all testimony offered by witnesses Raymond and Baron (USPS-T-12) relating to the ES project. To the extent a Motion to Strike may be required to perfect its objections, MPA will request waiver of Commission Rule 21(c) that provides "(all) motions to strike testimony or exhibit materials are to be submitted in writing at least 14 days before the scheduled appearance of the witness, unless good cause is shown." Witnesses Raymond and Baron are scheduled to testify on May 2, fourteen days from today. For the reasons discussed below, MPA submits there is good cause for a waiver under Commission Rules 21(c) and 22.

The testimony and exhibits of witnesses Raymond and Baron have been the subject of extensive discovery and contentious motion practice. MPA believes it has suffered prejudicial delay as the result of deliberately nonresponsive answers to certain MPA interrogatories.¹ In response to MPA's concerns the Presiding Officer has granted, in part, two motions to compel. P.O. Ruling No. R2000-1/27; P.O. Ruling No. R2000-1/35. In addition, the Presiding Officer asked the Postal Service "to provide an in-depth discussion of how it identifies categories of carrier activity" and "to thoroughly articulate the guidelines that its witnesses followed in assigning the activities associated with the more commonly occurring tally types" P.O. Information Request No. 8 (April 11, 2000) at 1. The Postal Service filed its 46-page response to POIR 8 late yesterday. MPA also has been prejudiced by the lengthy delays in receiving overdue responses to the following outstanding interrogatories:

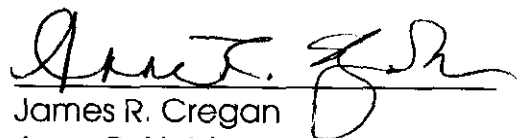
<u>Interrogatories</u>	<u>Date Filed</u>	<u>Days Overdue</u>
ADVO/USPS-T13-24-59	March 15	20
ADVO/USPS-T13-60-73	March 16	19
ADVO/USPS-T13-101-110	March 23	12
ADVO/USPS-T13-111-136	March 30	4
MPA/USPS-T13-110-127	March 30	4

As a result and notwithstanding Rule 21(c), it is premature for MPA to file a Motion to Strike unless and until it receives and has an opportunity to review and assess the responses due from Postal Service witnesses. It files

¹ Motion of Magazine Publishers of America, Inc. to Compel Answers to Interrogatories MPA/USPS-T-13-83, 85-90, 93-94, 96-97, 100-101, 106 & 108 to Witness Raymond, filed April 3, 2000.

this Notice to preserve its right to file such a motion at an appropriate time if necessary.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anne R. Noble", written over a horizontal line.

James R. Cregan

Anne R. Noble

Counsel

Magazine Publishers of America, Inc.

Suite 610

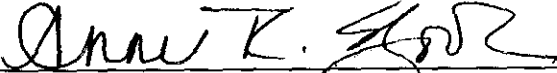

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with the Commission's Rules of Practice.


Anne R. Noble 

Washington DC
April 18, 2000