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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/62

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

Postal Rate and Fee Changes

Docket No. R2000-1

RULING ON DESIGNATION OF DOCKET NO. R97-1
EVIDENCE ON RETURN RECEIPT SERVICE

(Issued May 18, 2000)

This ruling addresses the Douglas F. Carlson Motion to Designate Evidence from a Prior Docket, April 21, 2000. (Carlson Motion). Pursuant to Commission rule 31(e), Mr. Carlson proposes introduction of the following Docket No. R97-1 material into the Docket No. R2000 record:

- responses to DFC/USPS-T40-1 and 15 (Tr. 3/848-50 and Tr. 3/865, respectively);
- an excerpt addressing quality of return receipt service from the rebuttal testimony of witness Plunkett (USPS-RT-20, Tr. 32/17121, line 14 through Tr. 32/17123, line 2; and
- oral cross-examination of witness Plunkett, Tr. 32/17170, lines 8-10.

If Mr. Carlson's motion is granted, the Postal Service seeks counterdesignation of related material. This includes:

- Tr. 32/17119, line 11 – Tr. 17121, line 13;
- Tr. 32/17123, line 11 – Tr. 17125, line 4;
- Tr. 32/17149, line 12 – 17161, line 19; and
- Tr. 32/1717, line 15 – Tr. 17174, line 24.

Response of United States Postal Service to Douglas F. Carlson Motion to Designate Material from a Prior Docket (May 1, 2000).¹ (Postal Service Response.)

Rationale for designations and counterdesignations. Mr. Carlson contends that the referenced interrogatory responses describe “distinguishing characteristics of return-receipt service that constitute the essence of the service.” Carlson Motion at 1. He says witness Plunkett’s rebuttal testimony identifies specific locations where the Postal Service mishandles return-receipt mail, and the cross-examination “confirms that customers have a right to receive services that they purchase, regardless of whether they need them.” *Id.* at 2. Mr. Carlson claims the Docket No. R97-1 material he has identified is relevant to the Service’s request in this proceeding to raise the fee for return receipt service, and therefore should be designated into the record of this proceeding. *Id.*

The Service’s counterdesignations include portions of witness Plunkett’s rebuttal testimony addressing reasons why various matters raised by Mr. Carlson do not support a lower cost coverage. They also address return receipt processing at Internal Revenue Service facilities and certain characteristics of return receipt service that the witness Plunkett identified as important to overall value of service for this offering. Postal Service Response at 1-2.

Discussion. The Commission’s rule allowing designation of material from prior proceedings is premised on the expectation that it will foster convenience, expedition,

¹ Motion for Late Acceptance of Response of United States Postal Service to Douglas F. Carlson Motion to Designate Material from a Prior Docket , May 1, 2000.

and efficiency. In general, guidelines developed over a number of cases favor factual material over opinion evidence, foreclose stale evidence, preclude relitigating old issues, and discourage designation of library reference or testimony in its entirety. A full and timely explanation of why the material is appropriate for designation is also necessary. See P.O. Ruling No. R97-1/68 (November 21, 1997).

Given these considerations, Mr. Carlson's proposed designations pose several concerns. One is that in the interest of fairness and completeness, counterdesignations appear to be necessary. This affects the efficiency of handling Mr. Carlson's interest in the value of return receipt service in this manner, rather than through fresh testimony. Another is the possibility that practices discussed in Docket No. R97-1 may have changed, or may be better addressed by the newer material Mr. Carlson has received in response to DFC/USPS-T39-3 (as indicated in footnote 1 to Mr. Carlson's motion.)

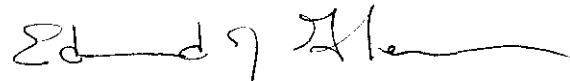
In this situation, it appears that the issues are sufficiently narrow and that no undue harm will arise from allowing the proposed designations and counterdesignations. Accordingly, both participants' requests are granted. As required by Commission rules, Mr. Carlson is to file two copies of the material he has designated and the Service is to file two copies of the counterdesignated material.

RULING

1. Douglas F. Carlson's Motion to Designate Evidence from a Prior Docket, filed April 21, 2000, is granted.
2. The counterdesignations identified in Response of United States Postal Service to Douglas F. Carlson Motion to Designate Material from a Prior Docket, filed May 1, 2000, are granted.

3. Two copies of proposed designations and counterdesignations are to be filed, as discussed in the body of this ruling.

4. The Motion for Late Acceptance of Response of United States Postal Service to Douglas F. Carlson Motion to Designate Material from a Prior Docket , filed May 1, 2000, is granted.


Edward J. Gleiman
Presiding Officer