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POSTAL RATE COMMISSION
OFFICE OF THE PRESIDENT

PRESIDING OFFICER'S
RULING NO. R2000-1/139

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

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER'S RULING DENYING
PARCEL SHIPPERS ASSOCIATION'S MOTION TO STRIKE

(Issued September 7, 2000)

On September 1, 2000, Parcel Shippers Association (PSA) designated responses to interrogatories PSA/UPS-ST1-1 and 2 and, simultaneously, moved to strike certain portions of those responses.¹ The Postal Service designated the same responses by pleading filed August 30, 2000, two days prior to PSA's submission. In support, PSA argues that the offending materials "should have been part of [United Parcel Service's] rebuttal or supplemental testimony."² The motion is denied.³

Although the responses may have included gratuitous materials, witnesses are generally permitted to explain or give context to answers. Inclusion is harmless since those portions PSA seeks stricken are either already in the record, e.g., FY 1998 volume and rate data concerning Standard Mail (A) Single Piece mail,⁴ or represent

¹ Parcel Shippers Association Designation of Responses to Interrogatories and Motion to Strike Portions of the Designated Responses, September 1, 2000 (Motion).

² *Id.* at 1.

³ Under the Commission's Rules of Practice, responses to motions to strike are due within seven days. Hence, United Parcel Service's (UPS) response, if any, would be timely through September 8, 2000. Given the time constraints of this proceeding, however, it is administratively more convenient to address the merits of PSA filing without benefit of such a response, if any, since, *inter alia*, the order on designations is being issued simultaneously herewith.

⁴ See, e.g., response to PSA/UPS-ST1-2(c), (d), and (f).

argument, based on record evidence or matter in the public domain, which UPS could, in any event, make on brief, *e.g.*, the reiteration of witness Sellick's testimony regarding "nonsensical records."⁵ The Commission is competent to recognize the circumstances in which these statements have been offered, and give appropriate weight to those materials.

RULING

Parcel Shippers Association's motion, filed September 1, 2000, to strike portions of the responses to PSA/UPS-ST1-1 and 2 is denied.


Edward J. Gleiman
Presiding Officer

⁵ See response to PSA/UPS-ST1-1; *see also, e.g.*, response to PSA/UPS-ST1-2(g) and (j).