

DOCKET SECTION
PRESIDING OFFICER'S
RULING NO. R2000-1/145

RECEIVED

SEP 20 10 07 AM '00

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
ON KEYSpan ENERGY REQUEST FOR ADDITIONAL RELIEF

(Issued September 20, 2000)

Presiding Officer's Ruling No. R2000-1/142, issued September 8, 2000 granted a Postal Service Motion for Inclusion of Statement by Witness Campbell into the Evidentiary Record. KeySpan Energy (KeySpan) requests that a sworn statement by its employee, Michael Finnegan, Jr., also be incorporated into the evidentiary record.¹

During hearings on August 24, 2000, KeySpan counsel cross-examined Postal Service rebuttal witness Campbell. At Tr. 39/17605 the question focused on the break-point when hand counting became inefficient. The witness was questioned about a discussion at an MTAC meeting held the previous month. The witness indicated he had no recollection of the discussion, but agreed to accept, subject to check, that a discussion took place during which the number 200-300 was mentioned as a break-point.

The September 6, 2000 statement provided by witness Campbell recounts his effort to check whether such a conversation took place, and his inability to confirm that

¹ Answer of KeySpan Energy to USPS Motion for Inclusion of Statement by Witness Campbell into the Evidentiary Record and Request to Reopen the Record or Other Appropriate Relief, filed September 12, 2000.


the number 200-300 was identified as a break-point. KeySpan offers the statement of Mr. Finnegan to support its representation that such a conversation took place.

I will deny KeySpan's request. Witness Campbell is entitled to provide a statement explaining why he cannot accept the representation of counsel that a particular conversation took place. This does not establish that the conversation did or did not occur, or even the relevance of any statements that may have been made. KeySpan did not provide sufficient information during cross-examination to enable the witness to establish independently that the referenced number was discussed. Admitting an additional statement from a KeySpan employee who would not be subject to cross-examination would not further enlighten the record.

Finally, witness Campbell was not asked to respond to questions premised on his acceptance, subject to check, of the number 200-300. His inability to confirm that this number was discussed as a reasonable break-point does not require striking any portion of the August 24, 2000 hearing record.

RULING

The KeySpan Energy request to reopen the record or for other relief, filed September 12, 2000, is denied.


Edward J. Gleiman
Presiding Officer