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PRESIDING OFFICER'S
RULING NO. R2001-1/52

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes

Docket No. R2001-1

PRESIDING OFFICER'S RULING
PERMITTING SUPPLEMENTAL DESIGNATIONS

(Issued February 25, 2002)

Major Mailers Association (MMA) filed a supplemental designation of written cross-examination on February 14, 2002, and an additional supplemental designation of written cross-examination on February 15, 2002. KeySpan Energy also filed a supplemental designation of written cross-examination on February 15, 2002.

On February 21, 2002, the American Postal Workers Union, AFL-CIO (APWU) filed objections to all three of these designations. APWU contends these designations are untimely. A Joint Reply of KeySpan Energy and Major Mailers Association Opposing APWU's Objections to Supplemental Designations (Joint Reply) was filed February 25, 2002.

The Joint Reply acknowledges that the supplemental designations do not fit strictly within the provisions of any presiding officer's ruling establishing dates for designating written cross-examination. It argues that an opportunity should be available to designate discovery responses that support surrebuttal testimony. It also contends that it would be unreasonable in the circumstances of this case, to expect participants to have designated prior to the date for announcing opposition to the proposed stipulation and agreement, all responses that might have been needed to rebut potential opposition.

I find the arguments in the Joint Reply persuasive. Furthermore, as noted in the Joint Reply at 4, APWU witness Riley relies on the accuracy of the costing evidence sponsored by the Postal Service, and should not be prejudiced by clarifications of that

evidence filed before he prepared his direct testimony. APWU will have an adequate opportunity to explore during oral cross-examination whether surrebuttal witnesses have misinterpreted witness Riley's position, or the underlying Postal Service testimony on which he relied.

RULING

The supplemental designations of written cross-examination of Major Mailers Association and KeySpan Energy are accepted.


George Omas
Presiding Officer