

PRESIDING OFFICER'S
RULING NO. MC2002-2/16

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

Experimental Rate and Service Changes
To Implement Negotiated Service Agreement
With Capital One Services, Inc.

Docket No. MC2002-2

PRESIDING OFFICER'S RULING
SCHEDULING THE APPEARANCE OF WITNESSES

(Issued January 13, 2002)

Presiding Officer's Ruling MC2002-2/4 indicated that testimony in opposition to the Request in this case would be heard February 5-8, 2003. Testimony in opposition was submitted by the Office of the Consumer Advocate, the National Newspaper Association, and the Newspaper Association of America. Additionally, the Presiding Officer's Notice of December 20, 2002 indicated that a witness on economic issues would be presented.

The following schedule is established for receiving this testimony:

February 5, 2003	Witness Kent (NAA-T-1) Witness David (NAA-T-1)
February 6, 2003	Witness Smith (OCA-T-1) Witness Callow (OCA-T-2)
February 7, 2003	Witness Panzar (tentative)

This schedule recognizes that participants have not had the opportunity to review the testimony of Witness Panzar. Any participant requiring additional time for discovery and preparation of cross-examination should file a request for an adjustment of this

schedule by January 27, 2003. Professor Panzar is unavailable the week of February 10 – 14, 2003, but would be available the following week.

Other Procedural Dates. On January 3, 2003, the Association for Postal Commerce, the Direct Marketing Association, the Magazine Publishers of America, and the Parcel Shippers Association filed a joint motion suggesting that the date for filing rebuttal testimony should be set for shortly after the conclusion of the hearings receiving testimony in opposition to the Request. The Postal Service filed a response to this motion on January 7, 2003, contending that the schedule should accommodate time to prepare rebuttal to Witness Panzar's testimony, should any participant wish to do so.

Participants should file rebuttal testimony to witnesses Kent, David, Smith, and Callow on February 20, 2003. If Professor Panzar appears for cross-examination on February 7, 2003, rebuttal (if any) to his presentation will also be due on February 20, 2003. Any participant requesting an adjustment of the schedule to defer cross-examination of Witness Panzar should also indicate if there is any reason why rebuttal testimony could not be submitted 7 – 10 days after his appearance.

The dates for hearings to receive any rebuttal testimony and written briefs will be established in a subsequent ruling.

George Omas
Presiding Officer