

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

Experimental Changes to Implement)
Capital One NSA)

Docket No. MC2002-2

OFFICE OF THE CONSUMER ADVOCATE
RESPONSE TO MOTION OF THE POSTAL SERVICE TO
TEMPORARILY REOPEN THE RECORD FOR THE PURPOSE OF
REMOVING PAGES OR, IN THE ALTERNATIVE, TO STRIKE
(April 1, 2003)

The Office of the Consumer Advocate (OCA) hereby responds to the Motion of the Postal Service to Temporarily Reopen the Record for the Purpose of Removing Pages or, in the Alternative, to Strike.¹ OCA filed a similar motion earlier on the same day, i.e., Motion to Remove Pages Tr. 7/1390-96 from the Record. In this motion, OCA asked the Presiding Officer to remove seven pages from the record that consist of the classification proposal filed by OCA as part of its direct case, specifically pages Tr. 7/1390-96. OCA believed it to be implicit that the Presiding Officer would first have to reopen the record for the limited purpose of removing the seven pages at issue, but the Newspaper Association of America seemingly took the position that the request to reopen the record must be explicit.² Lest the settlement reached by the Postal Service, Capital One Services, Inc., and OCA be jeopardized by this omission, the Postal Service filed its motion to reopen the record (or, alternatively, to strike).

¹ Filed March 31, 2003.

² "Opposition of the Newspaper Association of America to Office of the Consumer Advocate Motion to Remove Pages," March 31, 2003.

OCA opposes neither the motion of the Postal Service to reopen the record for the limited purpose of removing the seven transcript pages (1390-96), nor the alternative motion. OCA does wish to point out that its request to remove pages from the record was conditional on the Commission's determining not to reject the Stipulation and Agreement filed on March 31. If the Commission decides to reject the Stipulation and Agreement, then OCA asks that the seven transcript pages be restored (assuming the Presiding Officer agrees to remove or strike them).

Respectfully submitted

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