

ORDER NO. 1382

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

Before Commissioners:

George Omas, Chairman;
Dana B. Covington, Sr., Vice Chairman;
Ruth Y. Goldway; and Tony Hammond

Experimental Parcel Return Services

Docket No. MC2003-2

ORDER NUNC PRO TUNC

(Issued August 21, 2003)

Subsequent to Order No. 1381, issued August 19, 2003, closing the record in this proceeding, the Postal Service filed errata to responses of witness Gullo to certain interrogatories of the Office of the Consumer Advocate (OCA).¹ When initially filed on June 20, 2003, the set of responses did not include answers to two interrogatories, OCA/USPS-T1-24-25.² Those interrogatories, however, were included in OCA's designation of written cross-examination of witness Gullo.³ The Postal Service represents that OCA desires that the responses be included in the record.⁴ Although arguably the responses may be covered by Order No. 1381, to avoid any confusion, the

¹ Notice of Errata to Response of United States Postal Service Witness Gullo to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-T1-24-26), August 19, 2003 (Errata).

² See Response of United States Postal Service Witness Gullo to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-T1-24-26), June 20, 2003.

³ Office of the Consumer Advocate Designation of Written Cross-Examination of United States Postal Service Witness John Gullo (USPS-T-1), July 28, 2003.

⁴ Errata at 1.

Commission clarifies that the responses are included in the evidentiary record and will be transcribed.

A second recent pleading also requires clarification. The Postal Service recently filed a replacement copy of the testimony of witness Kiefer.⁵ The copy filed, offered as a substitute for the original testimony filed May 28, 2003, did not include the attachments referenced in the testimony. Since the attachments are integral to Kiefer's testimony and the Postal Service's proposal, it would appear that failure to include them was an oversight.

In Order No. 1381, the Commission identified the evidentiary record to include, among other things, the Postal Service's direct testimony, "as revised if applicable."⁶ As relates to Kiefer's testimony, this qualification was intended to encompass only the substantive changes reflected in the replacement copy, namely corrections to pages iii and 13 of the original submission. Consequently, the attachments, referenced on page iii of Kiefer's revised testimony, are deemed to be part of the evidentiary record. If the Postal Service intended something else with its recent submission of the replacement copy of Kiefer's testimony, it should move for reconsideration of Order No. 1381.

⁵ Notice of United States Postal Service of Filing Replacement Copy of Testimony of USPS Witness James Kiefer (USPS-T-3) Errata, August 13, 2003.

⁶ Order No. 1381, August 19, 2003.

It is ordered:

The Postal Service's response to OCA/USPS-T1-24-25 is entered into the evidentiary record in this proceeding *nunc pro tunc* Order No. 1381.

By the Commission.

(SEAL)

Steven W. Williams
Secretary