

DOCKET SECTION

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

RECEIVED

POSTAL RATE AND FEE CHANGES, 1997)

SEP 30 4 56 PM '97
Docket No. R97-1
POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

NASHUA PHOTO INC., DISTRICT PHOTO INC.,
MYSTIC COLOR LAB AND SEATTLE FILMWORKS, INC.
NOTICE OF WITHDRAWAL OF MOTION TO STRIKE
SPECIFIC PORTIONS OF THE TESTIMONY OF
POSTAL SERVICE WITNESS CHARLES L. CRUM (USPS-T-28)
AND POSTAL SERVICE WITNESS JOSEPH D. MOELLER (USPS-T-36)
(September 30, 1997)

Nashua Photo Inc. (hereinafter "Nashua"), District Photo Inc. ("District"), Mystic Color Lab ("Mystic"), and Seattle FilmWorks, Inc. ("Seattle") (hereinafter collectively referred to as "NDMS"), proceeding jointly herein, hereby withdraw their motion to strike specific portions of the testimony of Postal Service witnesses Charles L. Crum (USPS-T-28) and Joseph D. Moeller (USPS-T-36) filed herein on September 25, 1997.

NDMS take this action for two reasons.

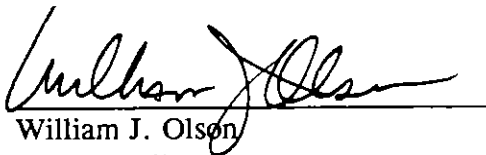
First, in bringing their motions to strike certain testimony in this proceeding, including the motion to strike the Crum/Moeller testimony under discussion — as well as their previous motion to strike the testimony of Postal Service witness David Fronk, which was the subject of Presiding Officer's Ruling 1/20, issued herein on September 17th, 1997 — NDMS was attempting, in the only way they knew how in the context of this docket, to call the Commission's attention to certain unfair litigation practices of the Postal Service. That mission has been accomplished. In Notice of Inquiry No. 1, the Commission requested the parties to document other instances in this docket wherein library references may have been used in violation of the Commission's rules. Hopefully, filings received in response to Notice of Inquiry No. 1, including that which will be filed by NDMS, will assist the Presiding

Officer in his ruling on the evidentiary questions submitted to him in the next phase of this proceeding, and will assist the Commission in evaluating fairly the significance (or lack thereof) of the documents upon which the Postal Service relies as support for its proposals in this case.

Second, it has become apparent to NDMS that the Commission prefers not to strike Postal Service testimony in this case, even where testimony is based on unsponsored library references, and will do so only as a last resort.

For the foregoing reasons, NDMS withdraws the aforementioned motion to strike.

Respectfully submitted,



William J. Olson

John S. Miles

Alan Woll

WILLIAM J. OLSON, P.C.

8180 Greensboro Drive, Suite 1070

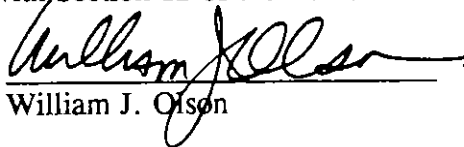
McLean, Virginia 22102-3823

(703) 356-5070

Counsel for Nashua Photo Inc., District
Photo Inc., Mystic Color Lab, and
Seattle FilmWorks, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with Section 12 of the Rules of Practice.



William J. Olson

September 30, 1997