

ORDER NO.1411

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

Before Commissioners:

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

Rate and Service Changes To Implement  
Functionally Equivalent Negotiated Service  
Agreement With Bank One Corporation

Docket No. MC2004-3

NOTICE OF LATE FILING OF  
TESTIMONY OF LAWRENCE G. BUC  
ON BEHALF OF BANK ONE CORPORATION

(Issued July 2, 2004)

On June 28, 2004, Bank One Corporation filed Motion of Bank One Corporation for Late Acceptance of the Testimony of Lawrence G. Buc (Motion).<sup>1</sup> Bank One notes that the Postal Service's Request and Bank One witness Rappaport's testimony were filed on June 21, 2004. Bank One asserts that production and coordination difficulties prevented witness Buc's testimony from being filed at that time. It requests late acceptance of witness Buc's testimony, and contends that it believes no party will be prejudiced by this delay.

The procedural rules for reviewing Postal Service requests predicated on functionally equivalent Negotiated Service Agreements were promulgated with the intent

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<sup>1</sup> Contemporaneous with this Motion, Bank One filed Direct Testimony of Lawrence G. Buc on Behalf of Bank One Corporation, June 28, 2004, and the Postal Service filed United States Postal Service Notice of Review of the Direct Testimony of Lawrence G. Buc on Behalf of Bank One Corporation, June 28, 2004.

of facilitating expedited review. Decisions can be issued in as little as 60 days. Assuming an expedited schedule, the filing of new testimony 7 days after the filing of the Postal Service's request, without any prior notice in the request of the potential for additional testimony, could be prejudicial and affect the procedural and due process rights of current and potential intervenors.<sup>2</sup>

The Secretary shall arrange for publication of this notice and order in the *Federal Register* to advise current and potential participants of the submission of additional testimony on behalf of Bank One. Any objection to the Motion to accept this testimony shall be presented at the July 15, 2004 prehearing conference.

It is ordered:

1. Any objection to the Motion of Bank One Corporation for Late Acceptance of the Testimony of Lawrence G. Buc shall be presented at the July 15, 2004 prehearing conference.
2. The Secretary shall arrange for publication of this notice and order in the *Federal Register*.

By the Commission.

(S E A L)

Steven W. Williams  
Secretary

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<sup>2</sup> Rule 192(a) [39 CFR § 3001.192a] requires all prepared direct evidence to be filed simultaneously with the filing of the Postal Service's formal request.