

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

RATE AND SERVICE CHANGES TO) Docket No. MC2004-3
IMPLEMENT FUNCTIONALLY EQUIVALENT)
NEGOTIATED SERVICE AGREEMENT WITH)
BANK ONE CORPORATION)

VALPAK DIRECT MARKETING SYSTEMS, INC. AND
VALPAK DEALERS' ASSOCIATION, INC.
WITHDRAWAL OF PROTECTIVE
REQUEST FOR HEARING
(August 20, 2004)

Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc.
("Valpak") hereby withdraw the protective request for a hearing made orally at the prehearing conference on July 15, 2004, and in writing on July 23, 2004. On both of these occasions, Valpak expressed its hope that it could avoid requesting a hearing if adequate responses to written interrogatories were reviewed and incorporated into the record. (*See* Tr. 1/24, 1. 22 through 1/25, 1. 13; Valpak's Restated Request for Hearing and Preliminary Statement of Issues, at 2.)

Earlier, Valpak "indicated that they should be able to decide by August 17 whether they will seek oral cross-examination of the co-proponents' witnesses." (*See* Report of Settlement Coordinator, August 5, 2004, at 1.) Presiding Officer's Ruling ("POR") No. MC2004-3/2 established August 20, 2004 as the deadline for such action.

Valpak now has had an opportunity to review responses to its final interrogatories from the Postal Service, to which certain errata will be filed, and is pleased to report that those responses, as amended, will obviate Valpak's need for a hearing. Of course, Valpak seeks the

opportunity to designate certain responses to interrogatories and document requests for entry into the record. Valpak's brief will address the issues in this docket, as limited by the Commission, and will contain some discussion of the policy issues of consideration of a niche classification rather than a Negotiated Service Agreement ("NSA"), as well as a system-wide fix for the Undeliverable as Addressed ("UAA") pricing problem, for future consideration by the Commission, in compliance with POR No. MC2004-3/2, at 6.

Respectfully submitted,

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