

DOCKET SECTION

PRESIDING OFFICER'S
RECEIVED
RULING NO. R97-1/49

Oct 17 3 37 PM '97

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING CERTIFYING
MOTIONS TO THE FULL COMMISSION

(October 17, 1997)

Presiding Officer's Ruling R97-1/42 directed that motions contesting the receipt of evidence sponsoring materials previously submitted as library references, and motions contesting the receipt into evidence testimony relying on information developed in library references were to be filed by October 16, 1997. Responses to any such motions were to be filed by October 21, 1997.

On October 16, 1997, three related motions were submitted: Motion of Alliance of Nonprofit Mailers and American Library Association to Stay Proceedings; Nashua Photo Inc., District Photo Inc., Mystic Color Lab and Seattle Filmworks, Inc. Motion to Strike Specific Portions of the Testimony of Various Postal Service Witnesses and Certain Library References and for Other Relief; and Newspaper Association of America Motion in Opposition to Admission into Evidence of Certain Library Reference Materials and Supplemental Testimony USPS-ST-44. These pleadings involve important questions of law or policy concerning which there is substantial ground for difference of opinion, and consideration of these issues by the full Commission will materially advance the ultimate termination of this proceeding. Therefore, pursuant to rule 32 I shall certify these three motions to the full Commission for its consideration.


Presiding Officer's Ruling R97-1/42 set October 21, 1997, as the date for replies to motions concerning the treatment of library references. Because of the breadth and importance of the issues certified to the Commission, I extend the date for responses to October 24, 1997. As no decision on these issues will have been reached before that date, I will also cancel the hearings currently scheduled for October 23 and 24, 1997.

RULING

1. The Motion of Alliance of Nonprofit Mailers and American Library Association to Stay Proceedings; the Nashua Photo Inc., District Photo Inc., Mystic Color Lab and Seattle Filmworks, Inc. Motion to Strike Specific Portions of the Testimony of Various Postal Service Witnesses and Certain Library References and for Other Relief; and the Newspaper Association of America Motion in Opposition to Admission into Evidence of Certain Library Reference Materials and Supplemental Testimony USPS-ST-44 are certified to the full Commission.

2. The date for replies to motions filed in response to Presiding Officer's Ruling R97-1/42 is extended to October 24, 1997.

3. The hearings scheduled for October 23 and 24, 1997 are canceled.


Edward J. Gleiman
Presiding Officer