

DOCKET SECTION

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Docket No. R97-1

Postal Rate and Fee Changes, 1997

**MOTION OF THE NATIONAL NEWSPAPER ASSOCIATION
CONCERNING ADMISSION OF LIBRARY REFERENCE INTO EVIDENCE
AND COMMENT ON ALLIANCE OF NONPROFIT MAILERS'
MOTION FOR STAY OF PROCEEDINGS**

Pursuant to Presiding Officer's Ruling R97-1/42 concerning the admission of Library References into evidence, the National Newspaper Association hereby formally requests that the Postal Service be required to produce a witness to sponsor Library Reference H-89. This library reference is entitled "Statistical Systems Documentation" and is a relevant component of the Postal Service's reliance upon certain sampling systems to produce data within both the IOCS and certain volume measurement systems.

NNA attempted to inquire about elements of this reference during its cross-examination of witness Pafford (T1) on October 16. The witness's disavowal of use of these systems for purposes of constructing the volume data into which NNA was inquiring obviated the need to pursue an appropriate avenue of due process for exploring the data the witness said he had used. However, this library reference contains a detailed explanation of statistical systems that have been of interest to the Commission in R90-1 as well as R94-1. It is far from clear that the concerns of the

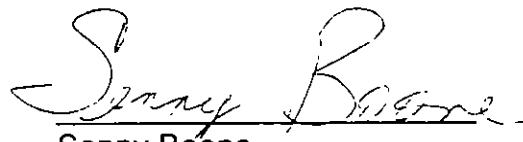
Commission in those cases have been answered by changes in USPS systems since the close of R94-1. Also, the precise use of the Statistical Systems in Base Year 1996 is unclear and appears to be the subject of contradictory evidence appearing thus far on the record in the instant case.

NNA further notes the request of the Alliance of Nonprofit Mailers for a stay of the case until procedural questions involving the library references are resolved. Inasmuch as NNA's principal concern is with a sole document, we do not at this juncture join in the request for a stay. If the Postal Service is willing to produce a witness to sponsor this document and NNA can be permitted a short time for discovery on it, we believe our concerns will be adequately addressed.

However, we share the concern of other counsel in this case that the chase through the USPS library and the Commission's docket room for evidence from prior cases and for relevant information in library references has hampered the parties' understanding of the Postal Service's direct case. We are a party continually challenged to produce the resources to litigate omnibus rate cases in the best of circumstances. In this case, with the unprecedented complexity of economic evidence, the burden to offer a meaningful participation becomes yet heavier. As USPS witnesses cite to other documents during their responses to written cross-examination without providing even the courtesy of a citation to a page or pages that must be in front of them as they write, smaller parties like NNA find themselves spending scarce resources upon a treasure hunt that may produce naught but fool's gold because the Postal Service then omits a sponsor for the data upon which it relies.

Therefore, if a witness is not named by the Postal Service as a sponsor for this document, we will join the Alliance of Nonprofit Mailers in requesting a stay in the case until such time as the Commission can determine that portions of the case should be struck or the case itself should be dismissed.

Respectfully submitted,

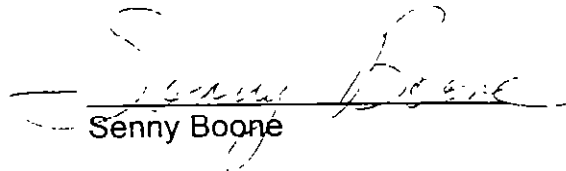
A handwritten signature in cursive script, appearing to read "Senny Boone", written over a horizontal line.

Senny Boone
Tonda Rush
Attorneys for the
National Newspaper Association

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

Date: October 20, 1997

A handwritten signature in cursive script, appearing to read "Senny Boone", written over a horizontal line.

Senny Boone