DOCKET SECTION

BEFORE THE

POSTAL RATE COMMISSION

WASHINGTON DC 20268-00

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 1997 DOCKET NO. R97-1

MOTION TO DISMISS THE UNITED STATES POSTAL SERVICE'S REVISED ATTACHMENTS 1 AND 2 TO SUPPLEMENTAL RESPONSE TO DBP/USPS-66[A]

October 27, 1997 Respectfully submitted,

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

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1. On October 15, 1997, the Postal Service filed its Supplemental Response of the United States Postal Service Witness Needham to Interrogatory of David B. Popkin [DBP/USPS-T39-66(a)] ["Response"]. This Response to my original interrogatory contains two attachments. The first attachment is a revised "proposed Fee Schedule 961" and the second attachment is a revised Table 16 [page 92] for Witness Needham's original testimony ["Testimony"]

2. In the Response, it is stated that, "To minimize confusion concerning the proposed stamped envelope fees, attached is a simplified restatement of proposed Fee Schedule 961, for stamped envelopes. In particular, the attached schedule specifically lists the proposed fee for bulk sales of plain hologram stamped envelopes as $15.50. The proposed fee is also shown in a corrected page 92 of my testimony, USPS-T-39, which is also attached."

3. The witness states that this is a restatement of the fees in an effort to minimize confusion. With respect to the proposed fee for bulk sales of plain hologram stamped envelopes, it is not a restatement. It is an establishment of a specific rate which was <u>not</u> provided for in the original Testimony. There is no provision in the original Testimony for a price at which to sell bulk sales of 500 plain hologram stamped envelopes.

4. Rule 53 of the Rules of Practice requires that the Postal Service file all of its direct evidence at the time of filing its request for a recommended decision. Now more than three months after the filing of these documents, the Postal Service is attempting to make a change in their desired rates.

5. I move to strike the Response as not being timely filed. While the revised Fee Schedule may minimize confusion, I object to its use to introduce new evidence at this late date or at any time during this case.

6. The claimed inclusion of the rate for bulk sales of hologram stamped envelopes in the workpaper WP-15 and library reference H-107, does not serve as testimony. The Postal Service should not be allowed to "bury" testimony in its workpapers or library references, particularly when it is in conflict with the "regular" testimony.

7. The Postal Service should be limited to what was requested at the original time of filing and not be allowed to supplement it at this late date when the ability to conduct written and oral cross examination is affected.

8. In the event that this motion's filing is not timely made, I move for late acceptance.

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.

David B. Popkin October 27, 1997