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UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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OFFICE OF THE SECRETARY

Before Commissioners:

Edward J. Gleiman, Chairman  
H. Edward Quick, Jr., Vice Chairman  
George W. Haley, W.H. "Trey" LeBlanc III  
and George A. Omas

Postal Rate and Fee Changes

Docket No. R97-1

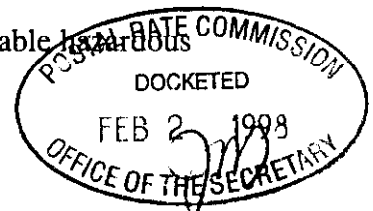
Service of all documents relating to this proceeding should be made upon the following named individual:

R. Dennis Wright  
Hillix, Brewer, Hoffhaus,  
Whittaker & Wright, L.L.C.  
2420 Pershing Rd., Ste. 400  
Kansas City, MO 64108

NOTICE OF INTERVENTION AS LIMITED PARTICIPANTS  
BY LabOne, INC., OSBORN LABORATORIES, INC. AND  
CLINICAL REFERENCE LABORATORY, INC.

LabOne, INC., ("LabOne"), 10310 West 84<sup>th</sup> Terrace, P.O. Box 2035, Lenexa, Kansas 66214, Osborn Laboratories, Inc. ("Osborn"), 14901 West 117<sup>th</sup> St., Olathe, Kansas 66062, and Clinical Reference Laboratory ("CRL"), 8433 Quivira Rd., Lenexa, Kansas 66215, respectfully request intervention in this matter as limited participants pursuant to 39 C.F.R. § 3001.20(a). Because the outcome of the Postal Rate Commission's ("Commission") deliberations, as explained below, clearly and materially affect the interests of these laboratories, LabOne, Osborn and CRL seek intervention in this pending Commission matter.

The United States Postal Service is proposing two surcharges for certain mailable hazardous



materials. A proposed 50 cent Hazardous Medical Materials surcharge would apply to six categories of material currently described in the Domestic Mail Manual (“DMM”) in § C023.10.2a-f. These are (a) etiologic agents, (b) etiological agent preparations, (c) clinical (or diagnostic) specimens, (d) biological products, (e) sharps, and (f) other medical devices. LabOne, Osborn and CRL do most of the risk assessment testing for life insurance companies in the United States. Risk assessment testing consists of the chemical or biological analysis of blood, urine or oral fluid samples taken from a life insurance applicant. The laboratories do not actually collect the specimens from the applicant. After specimens are collected, the laboratories make use of the U.S. Postal Service to receive specimens in Johnson County, Kansas. The packaging, label and quantity requirements for these specimens are found in DMM § CO23.10.

The United States Postal Service is proposing a 50 cent per piece surcharge for such specimens or pieces containing sharps mailed via the U.S. Postal Service. To the best of the laboratories’ knowledge, heretofore no surcharge has ever applied to this service. If the Commission’s deliberations result in an imposition of this surcharge, the surcharge would clearly and materially affect the ability of LabOne, Osborn and CRL to continue to utilize the services of the U.S. Postal Service. Such a surcharge would materially and adversely affect the economic interests of each of the laboratories. For these reasons, the laboratories oppose any imposition of a surcharge.

This notice is being filed later than the time specified in the Commissioner’s Order No. 1186, dated July 11, 1997, because none of the laboratories were aware of the existence of this proceeding. Because no surcharge has ever been applied to date, the laboratories had no reason to suspect that the U.S. Postal Service would seek to impose a surcharge now. None of

the laboratories were formerly served with notice of the United States Postal Services' filing. It wasn't until January 22<sup>nd</sup> or 23<sup>rd</sup>, 1998 that this proceeding was brought to the attention of the laboratories by a representative of the United States Postal Service. To the best of the laboratories' knowledge, no party or intervenor has filed any opposition to the Hazardous Medical Material surcharge as it would apply to mailing specimens for insurance testing purposes. As a result, these laboratories' interests are not being represented in this proceeding. Therefore, the laboratories respectfully submit that this delay was occasioned in good faith, and that good cause exists for the allowance of their intervention in this proceeding. There would be no apparent prejudice or harm in the allowance of the late intervention of these laboratories.

Therefore, the intervenors LabOne, Osborn and CRL respectfully give Notice of their intervention in this proceeding as limited participants and request that they be allowed to file a rebuttal to the Postal Service in this regard on or before March 9, 1998, or at such other time as specified by the Commission.

Respectfully submitted,

HILLIX, BREWER, HOFFHAUS,  
WHITTAKER & WRIGHT, L.L.C.



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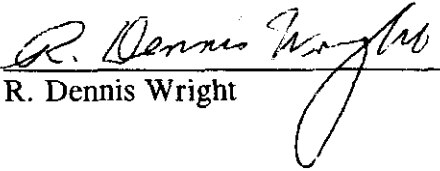
ATTORNEYS FOR LABONE, OSBORN  
AND CRL

CERTIFICATE OF SERVICE

I hereby certify that I have this 30<sup>th</sup> of January, 1998, served the foregoing document upon the following in accordance with Section 12 of the rules of practice:

United States Postal Service  
475 L'Enfant Plaza West, S.W.  
Room 6536  
Washington, D.C. 20260-1145

Margaret P. Crenshaw  
Secretary of the Commission  
1333 H. Street, N.W., Ste. 300  
Washington, D.C. 20268-0001

  
R. Dennis Wright

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**HILLIX, BREWER, HOFFHAUS, WHITTAKER & WRIGHT, L.L.C.**

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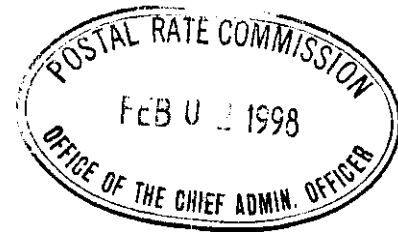
JOSEPH C. BENAGE

V. EDWIN STOLL

January 30, 1998

VIA FEDERAL EXPRESS

Postal Rate Commission  
1333 H Street, N.W., Ste. 300  
Washington, D.C. 20268



Re: Notice of Intervention by LabOne, Inc., et al.  
in Docket No. R97-1

Dear Sir/Madam:

Enclosed please find an original and 24 copies of the Notice of Intervention to be filed on behalf of LabOne, Inc., et al. Additionally, enclosed please find three copies marked Office of Consumer Advocate.

Should you have any questions, please do not hesitate to contact the undersigned. Thank you for your assistance in this matter.

Very truly your,

A handwritten signature in cursive script that reads "R. Dennis Wright".

R. Dennis Wright

RDW/111  
Enclosures