

**BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001**

Public Inquiry Concerning Procedures For)
Rate Case Under Part 3010, Subpart E)

Docket No. PI2010-3

**NOTICE OF INTERVENTION AND PROPOSED DISCUSSION TOPICS
OF THE DIRECT MARKETING ASSOCIATION
AND DIRECT MARKETING ASSOCIATION NONPROFIT FEDERATION
June 9, 2010**

Pursuant to Order No. 456 and the Commission's Rules of Practice at Section 20, the Direct Marketing Association (DMA) hereby gives notice of intervention on behalf of itself and the Direct Marketing Association Nonprofit Federation (Federation) as full participants in the above captioned docket and submits proposed topics for discussion at the June 16, 2010 Technical Conference. The DMA and Federation count among their 3000 plus members parties who are involved in the preparation and mailing of virtually every type of postal product in each of the Market Dominant Classes likely to be affected by the disposition of an exigent rate case considered in accordance with Subpart E procedures.

DMA and the Federation respectfully propose the following topics for discussion at the technical conference:

- (1) While the Commission will hold a public hearing at which Commissioners or their designees will question postal officials, the special procedures outlined at 39CFR3010.65 do not appear to provide interested parties an opportunity for either written discovery or oral cross examination of Postal Service officials. Interested parties will, however, be given an opportunity to submit suggested relevant questions along with explanatory material (a) all of which will be become part of the *administrative record* of the proceeding and (b) some of which *may* be posed by Commissioners during the public hearing.

Since Postal Service officials will testify under oath at the public hearing, will questions and related material submitted by interested parties and posed during the hearing become part of an evidentiary record?

What is the evidentiary standing of questions and supporting material not posed during the hearing and but which are part of the administrative record?

Can the Commission rely on any material in the administrative record when rendering its decision?

What recourse will be available to parties with regard to questions they submit but which are not posed by Commissioners at the public hearing?

2. The procedures provide for supplementary written and oral responses should the Service be unable to provide adequate explanations during the public hearing.

Will interested parties be accorded an opportunity to submit additional relevant questions for the Commission's consideration during a possible second round of discovery?

3. The comment phase of the procedures appears to limit interest parties to three specific issues.

Is this a correct reading of the provision in question; and, if so, will there be an opportunity to comment on other statutory-based requirements (e.g., ...necessary to enable the Postal Service, under best practices of honest, efficient and economical management...)?

DMA and the Federation request that the following names be included on the service list for this docket.

Respectfully submitted,

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