

PRESIDING OFFICER'S
RULING NO. C2009-1/33

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint of GameFly, Inc.

Docket No. C2009-1

PRESIDING OFFICER'S RULING
ON THE ORDER OF WITNESSES' APPEARANCES
AND RELATED MATTERS

(Issued August 25, 2010)

On August 20, 2010, GameFly, Inc. (GameFly) filed a notice of intent to conduct cross-examination.¹ GameFly's cross-examination will be conducted on the four witnesses who submitted written testimony on behalf of the Postal Service. *Id.* GameFly's counsel estimates that this would likely take "most of the two days allotted by the Commission," September 1 and 2, 2010. *Id.*

To efficiently develop the record during the hearing on the Postal Service's rebuttal case, which begins on September 1, 2010, this ruling notifies the parties of the order of the witnesses' appearances. All witnesses should be available to appear as scheduled on September 1, 2010. If necessary, the hearing will continue on September 2, 2010.

¹ GameFly, Inc., Notice of Intent to Conduct Oral Cross-Examination, August 20, 2010 (Notice of Intent).

Under the rules of practice, designations of written cross-examination are due three days prior to the initial hearing date.² Thus, designations for all witnesses are to be filed on August 27, 2010. Also, the parties are requested to confer as to whether an alternative sequence of witnesses would more efficiently develop the record. They shall apprise the Commission of any agreement to modify the sequence below by Monday, August 30, 2010.

RULING

The order of witnesses, in accordance with this ruling, will be as follows: (1) Nicholas F. Barranca (USPS-T-1); (2) Larry J. Belair (USPS-T-2); (3) Troy R. Seanor (USPS-T-3); and (4) Robert Lundahl (USPS-T-4), unless otherwise ordered.

Dan G. Blair
Presiding Officer

² 39 CFR 3001.30(e)(2) states that “[d]esignations of written cross-examination should be served in accordance with §§3001.9 through 3001.12 no later than three working days before the scheduled appearance of a witness.”