

DOCKET SECTION

PRESIDING OFFICER'S
RULING NO. R97-1/120

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

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DOCKET NO. R97-1

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING ON NEWSPAPER ASSOCIATION OF AMERICA MOTION

(April 3, 1998)

On March 27, 1998, the Newspaper Association of America (NAA) filed a Motion to Place USPS Marketing Document into Evidence (Motion). On March 30, 1998, the document was admitted into evidence, subject to subsequent objections. Tr. 37/19871. On April 2, 1998, the Postal Service filed its Opposition.¹ This Motion and Opposition are the latest pleadings in a controversy which arose out of a February 17, 1998 NAA Request for Admissions directed to the Postal Service.

NAA contends that the document is relevant and material to issues before the Commission. It used the document during its cross-examination of Saturation Mail Coalition witness Buckel. Finally, it contends that the document reflects Postal Service policies which may have had an impact on its pricing proposals.

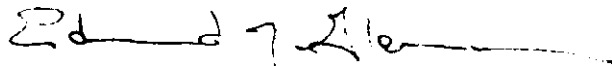
The Postal Service response states that NAA has not identified any portion of this document which shows evidence of Postal Service bias toward or against any subclass of mail. Further, it argues that this lengthy document deals

with issues beyond the scope of its Request in this case. The Service describes the document as containing discussion of "commercially sensitive ideas" such as plans for introducing and improving postal products and services. Opposition at 2. The Service also suggests that the document can not now be viewed as part of NAA's direct or rebuttal case, and it concludes that there is no basis for admitting the document into the evidentiary record. Finally, it implies that because the Postal Service has not had an opportunity to explain the document, there is risk that participants and the Commission might misinterpret or misuse it.

The NAA Motion to Place Library Reference NAA/R97-1-LR-2 into evidence is granted. As noted by the Postal Service, the production of this document was delayed by motions practice so that it was not available prior to the date for filing testimony in rebuttal to participant direct cases. Nonetheless, it was used by NAA in cross-examining testimony it controverts. The Commission is fully capable of interpreting the document in a fair and non-prejudicial fashion, and it shall accord no weight to matters referred to in the document that are not relevant to matters within the scope of this case.²

RULING

The Newspaper Association of America Motion to Place USPS Marketing Document into Evidence, filed March 27, 1998, is granted.



Edward J. Gleiman
Presiding Officer

¹ United States Postal Service Answer in Opposition to Newspaper Association of America Motion to Place USPS Marketing Document into Evidence (Opposition).

² Perhaps because of tight deadlines due to the advanced stage of this case, the Postal Service did not specify what pages of this document it considers extraneous to issues before the Commission.