

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

Six-Day to Five-Day Street Delivery
and Related Service Changes

Docket No. N2010-1

PRESIDING OFFICER'S RULING ON NALC MOTION TO HAVE TESTIMONY
ACCEPTED INTO RECORD AND OTHER PROCEDURAL MATTERS

(Issued September 2, 2010)

On August 24, 2010, the National Association of Letter Carriers, ALF-CIO (NALC) moved to have testimony of two of its witnesses, William H. Young (NALC-T-2) and Stephen DeMatteo (NALC-T-3) accepted into the record without the witnesses appearing at the hearing scheduled for September 13, 2010.¹ In that Motion, NALC states that no discovery was served on either witness, and that the scope and volume of the testimony is limited. *Id.* at 1.

The Postal Service does not oppose the Motion.² The Postal Service notes that on August 31, 2010, it filed notices of intent to conduct oral cross-examination, and that it does not intend to cross-examine witnesses Young or DeMatteo. *Id.* at 1.

¹ Motion of Intervenor National Association of Letter Carriers, AFL-CIO to have Testimony Accepted into Record, August 24, 2010 (Motion).

² Reply of the United States Postal Service to Motion of National Association of Letter Carriers Regarding Oral Cross-Examination of Witnesses Young and DeMatteo, August 31, 2010; Notice of the United States Postal Service Regarding Intent to Conduct Oral Cross-Examination of National Association of Letter Carriers Witness Young, August 31, 2010; Notice of the United States Postal Service Regarding Intent to Conduct Oral Cross-Examination of National Association of Letter Carriers Witness DeMatteo, August 31, 2010.

The Motion is granted. No participant requests to cross-examine either witness. Therefore, the testimony of NALC witnesses William H. Young (NALC-T-2) and Stephen DeMatteo (NALC-T-3) will be accepted into the record without appearance by the witnesses. NALC shall provide copies of the witnesses' testimony on September 13, 2010 accompanied by the appropriate attestations or affidavits pertaining to the testimony (and any related library references, if applicable).

Motions. Two motions for late acceptance are currently pending in this docket. Acceptance of these motions will not prejudice any party and will facilitate development of a full evidentiary record. For these reasons, the motions will be granted.

RULING

1. Motion of Intervenor National Association of Letter Carriers AFL-CIO to have Testimony Accepted into Record, filed August 24, 2010 is granted, as consistent with the body of this ruling;
2. Motion for Late Acceptance of Responses of Public Representatives' Witness Luttrell to United States Postal Service Interrogatories (USPS-PR-T2-1 and USPS-PR-T2-9), filed August 23, 2010, is granted; and
3. Motion for Late Acceptance of Witness Brown's Responses to United States Postal Service Interrogatories (USPS/PR-T1-11 through USPS/PR-T1-15), filed August 26, 2010, is granted.

Ruth Y. Goldway
Presiding Officer