

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

Retail Access Optimization Initiative

Docket No. N2011-1

PRESIDING OFFICER'S RULING
SCHEDULING WITNESS APPEARANCES

(Issued October 13, 2011)

Presiding Officer's Ruling No. N2011-1/17 set October 17, 2011 as the hearing date to enter rebuttal testimony into the record in this docket. That ruling also set October 11, 2011 as the deadline for parties to request oral cross-examination of witnesses. No participant filed an intent to conduct oral cross-examination of the following witnesses:

- Jeffery Musto (CSRL-T-1);
- Frederick D. Foster (FDF-T-1);
- Rita Zilinski (NAPUS-T-1); and
- Curt Artery (NAPUS-T-2).¹

¹ The National League of Postmasters reserves the right to cross-examine witnesses Musto, Foster, Zilinski, and Artery if they "appear to enter testimony into the record as a Rebuttal Witness." National League of Postmasters' Amended Notice of Intent to Conduct Cross-Examination of the Rebuttal Witnesses, October 13, 2011, at 1. The Postal Service indicated that it did not intend to cross-examine witness Artery, but reserved its right to conduct follow-up cross-examination based on responses to other oral cross-examination of the witness. United States Postal Service Notice of Intent to Conduct Oral Cross-Examination of National Association of Postmasters of the United States Witness Curt Artery (NAPUS-T-2), October 11, 2011.

Under Commission practice, witnesses for whom no participant has requested oral cross-examination need not attend formal hearings. Therefore, the foregoing witnesses are excused from appearing at the hearing.

Their testimony may be offered into evidence at the hearing through counsel.² The testimony must be accompanied by a declaration authenticating its accuracy and, if applicable, any designated written cross-examination.³

Given the large number of witnesses scheduled to testify at the hearing and to accommodate the schedules of witnesses and counsel, witnesses will appear in the following sequence:

- Anita B. Morrison (APWU-T-1);
- Mark Strong (NLPM-RT-1);
- Donald Hobbs (NLPM-RT-2);
- Max Heath (NNA-T-1);
- Nigel Waters (PR-T-1); and
- John P. Klingenberg (PR-T-2).

RULING

1. The testimony of witnesses Musto (CSRL-T-1), Foster (FDF-T-1), Zilinski (NAPUS-T-2), and Artery (NAPUS-T-2) may be offered into evidence at the hearing. These witnesses need not appear at the hearing.

² This practice of excusing witnesses from appearing at hearings is designed for the convenience of the witnesses and the parties. Nonetheless, if any of the foregoing witnesses prefers to offer his (or her) testimony in person at the hearing, that arrangement will be accommodated.

³ The testimony of the foregoing witnesses will be offered for inclusion in the record at the outset of the hearing.

2. The schedule of witnesses to appear at the October 17, 2011 hearing is set forth in the body of this ruling.

Ruth Y. Goldway
Presiding Officer