

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

Retail Access Optimization Initiative

Docket No. N2011-1

PRESIDING OFFICER'S RULING ON DESIGNATIONS, CLARIFYING EVIDENTIARY
STATUS OF LIBRARY REFERENCES, CORRECTING TRANSCRIPTS, AND
CLOSING THE EVIDENTIARY RECORD

(Issued November 3, 2011)

Designations. During the October 28, 2011 Hearing, the Presiding Officer informed the parties that they would have until October 31, 2011 to designate additional material for inclusion in the evidentiary record. Tr. 5/1732. Several participants filed such designations.¹ The Commission therefore designates those and additional responses itemized in the Attachment to this ruling for inclusion in the evidentiary record.²

Library references. This Ruling also clarifies the evidentiary status of the library references filed in this docket. In general, all library references filed by witnesses in support of their testimony or in response to written discovery are admitted into evidence

¹ American Postal Workers Union, AFL-CIO, Supplemental Designation of Institutional Responses of United States Postal Service, September 30, 2011; National League of Postmasters Designation of the Institutional Response of the Postal Service to David Popkin Interrogatory DBP/USPS-82, October 27, 2011; Motion of United States Postal Service to Designate Public Representative Interrogatory Response Into the Evidentiary Record, October 31, 2011 (Motion). The Motion is granted.

² Additionally, due to administrative error, the designated written cross-examination of witnesses Artery and Zilinski was not transcribed into Transcript Volume 3. See Tr. 3/1007. Accordingly, this Ruling also incorporates those designations into the next volume of the transcript.

at the same time that the witness's testimony or discovery is admitted into evidence. Library references are not transcribed.

In this case, the evidentiary status of several library references needs clarification.³ Accordingly, subject to objection, the library references shown on the Attachment to this Ruling are entered into the evidentiary record. The library references shall not be transcribed.

The evidentiary status of one particular library reference requires explanation. Library Reference USPS-LR-N2011-1/11 is updated as the Retail Access Optimization Initiative list of candidate facilities changes over time. Thus, several versions have been filed. The Postal Service refers to each update as an errata, which implies that each new version supersedes the previous. However, each version has historical significance, and may be referenced by specific filing dates in testimony. Therefore, each version shall not be considered as errata, but each version shall be individually considered as record evidence in this docket. All versions of this library reference are entered into the evidentiary record subject to objection. These library references shall not be transcribed.

Transcript corrections. The Postal Service filed two motions proposing corrections to transcript volumes 3 and 4, dated October 17 and 18, 2011. These motions are granted.⁴

Evidentiary record. Subject to objection and to the creation of a new transcript to incorporate the materials into the evidentiary record discussed above, the evidentiary record in Docket No. N2011-1 is hereby closed.

³ See, e.g., United States Postal Service Notice of Filing Library References USPS-LR-N2011-1/NP21 and USPS-LR-N2011-1/25, October 26, 2011.

⁴ Motion of United States Postal Service to Adopt Transcript Corrections for Volumes 3 and 4, October 31, 2011; United States Postal Service Motion to Adopt Corrections to Transcript Volume 3 Relating to the Testimony of Witness Max Heath (NNA-T-1); October 26, 2011.

RULING

1. The responses shown on the Attachment to this Ruling are designated for inclusion in the evidentiary record.
2. Subject to objection, the library references shown on the Attachment to this Ruling are entered into the evidentiary record as discussed in this Ruling.
3. The Motion of United States Postal Service to Designate Public Representative Interrogatory Response Into the Evidentiary Record, filed October 31, 2011, is granted.
4. The Motion of United States Postal Service to Adopt Transcript Corrections for Volumes 3 and 4, filed October 31, 2011, is granted.
5. The United States Postal Service Motion to Adopt Corrections to Transcript Volume 3 Relating to the Testimony of Witness Max Heath (NNA-T-1), filed October 26, 2011, is granted.
6. Upon receipt of the evidence discussed above in this Ruling, the evidentiary record in this proceeding is now closed.

Ruth Y. Goldway
Presiding Officer

USPS Institutional Responses

DBP/USPS-63, 77, 82

PR/USPS-22-23

NLP/USPS-16

POIR No. 5, question 1

POIR No. 6, question 1

Responses to questions posed by the Commission during cross-examination on October 28, 2011, questions 1-6

Rita Zilinski (NAPUS-T-1)

USPS/NAPUS-T1-1-17

Curt Artery (NAPUS-T-2)

USPS/NAPUS-T2-1-11

John P. Klingenberg (PR-T-2)

USPS/PR-T2-6 (Revised October 25, 2011)

USPS Library References

USPS-LR-N2011-1-3

USPS-LR-N2011-1/NP3

USPS-LR-N2011-1/4

USPS-LR-N2011-1/5

USPS-LR-N2011-1/NP5

USPS-LR-N2011-1/NP7

USPS-LR-N2011-1/NP8

USPS-LR-N2011-1/10

USPS-LR-N2011-1/NP10

USPS-LR-N2011-1/11

USPS-LR-N2011-1/12

USPS-LR-N2011-1/13

USPS-LR-N2011-1/NP13

USPS-LR-N2011-1/NP14

USPS-LR-N2011-1/15

USPS-LR-N2011-1/NP15

USPS-LR-N2011-1/NP16

USPS-LR-N2011-1/NP17

USPS-LR-N2011-1/18
USPS-LR-N2011-1/NP18
USPS-LR-N2011-1/NP19
USPS-LR-N2011-1/20
USPS-LR-21-N2011-1/21
USPS-LR-N2011-1/NP21
USPS-LR-N2011-1/NP22
USPS-LR-N2011-1/22
USPS-LR-N2011-1/23
USPS-LR-N2011-1/25
USPS-LR-N2011-1/26