

ORIGINAL

PRESIDING OFFICER'S
RULING NO. MC98-1/17
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UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Mailing Online Service

Docket No. MC98-1

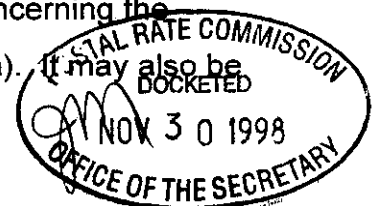
PRESIDING OFFICER'S RULING
GRANTING PITNEY BOWES' REQUEST TO
SUBMIT ADDITIONAL DISCOVERY

(November 30, 1998)

November 12, 1998, Pitney Bowes announced that it might wish to submit interrogatories concerning the response of witness Garvey to Presiding Officer's Information Request No. 2, question 4(a). This response was provided subject to protective conditions, and by the time counsel for Pitney Bowes had complied with the requirements for obtaining access to this response and determined that follow-up questions might be necessary, the time for submitting follow-up discovery (5 days) had elapsed. Pitney Bowes further indicated that no written discovery might be necessary because witness Garvey would be available for oral cross-examination.

On November 18, 1998, during hearings in this docket, Pitney Bowes was instructed to indicate after it concluded its cross-examination of witness Garvey, whether it considered additional written discovery necessary. A Request to Renew "Pitney Bowes' Request for Leave to Submit Late Filed Interrogatories" was filed on November 24, 1998.

Pitney Bowes will be allowed to submit written cross-examination on this topic. Counsel should attempt to develop questions which can be filed as part of the public record in this case without abridging the confidentiality agreement concerning the answer to Presiding Officer's Information Request No. 2, question 4(a).

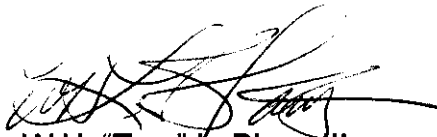


possible to provide responsive answers that can be part of the public record. Counsel for Pitney Bowes and the Postal Service are urged to communicate with each other in furtherance of these goals.

As of today, the schedule for completion of the record in this docket is subject to change, see Presiding Officer's Ruling MC98-1/15. However, it appears that the supplementary testimony to be filed by the Postal Service will not have any impact on witness Garvey's response to Presiding Officer's Information Request No. 2, question 4(a). Therefore, Pitney Bowes should complete its discovery on this issue by December 15, 1998, or submit an additional pleading explaining why more time should be allowed.

RULING

The Pitney Bowes Request for Leave to Submit Late Filed Interrogatories, filed November 12, 1998, is granted.



W.H. "Trey" LeBlanc III
Presiding Officer