

DOCKET SECTION

PRESIDING OFFICER'S
RULING NO. R97-1/58

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

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Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING CERTIFYING MOTION FOR RECONSIDERATION TO THE COMMISSION

(November 12, 1997)

Order No. 1201 (issued November 4, 1997) directed that certain Postal Service library references and supplementary testimony provided to sponsor those materials, were to be received into evidence. It directed the Presiding Officer to adjust the procedural schedule to allow for discovery and cross-examination of this evidence. Also on November 4, 1997, Presiding Officer's Ruling R97-1/54 published an amended procedural schedule.

A Motion of United States Postal Service for Reconsideration of Presiding Officer's Ruling No. R97-1/54, and, if Necessary Postal Rate Commission Order No. 1201 was filed November 7, 1997. It states, at 16:

[t]o the extent that the Presiding Officer is of the opinion that the Commission's assessment – that the Postal Service has caused delay or is the "proximate cause" of delay – necessarily serves to compel his decision to postpone the filing of all intervenors direct cases by six weeks, the Postal Service respectfully submits that both the assessment and the revised schedule are flawed and warrant reconsideration.

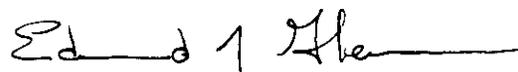
The language of P.O. Ruling R97-1/54 is straightforward and plain. Nothing in that ruling should give rise to the implication that the revised schedule is based in any

way on the finding contained in Order No. 1201 that the Postal Service is the proximate cause of the delay. The schedule revisions set out in P.O. Ruling R97-1/54 were developed to assure due process to intervenors without regard to who or what caused the problem.

Nonetheless, I certify to the full Commission the question of whether the revised procedural schedule in this case is consistent with the intent of Order No. 1201 and the dictates of 39 U.S.C. § 3624(a).

RULING

The Motion of United States Postal Service for Reconsideration of Presiding Officer's Ruling No. R97-1/54, and, if Necessary Postal Rate Commission Order No. 1201, filed November 7, 1997, is certified to the Commission for decision.



Edward J. Gleiman
Presiding Officer