

PRESIDING OFFICER'S  
RULING NO. N2011-1/14

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

Retail Access Optimization Initiative

Docket No. N2011-1

PRESIDING OFFICER'S RULING ON PUBLIC REPRESENTATIVE  
MOTION TO EXTEND PROCEDURAL SCHEDULE

(Issued September 15, 2011)

On September 9, 2011, the Public Representative filed a motion to extend the deadline for filing rebuttal testimony.<sup>1</sup> The American Postal Workers Union, AFL-CIO (APWU) filed in support of the Motion on September 12, 2011.<sup>2</sup> The Postal Service, in conformance with POR N2011-1/12,<sup>3</sup> answered the Motion on September 13, 2011, and indicated that it did not oppose extending the deadline.<sup>4</sup>

The Public Representative indicates that at the September 8, 2011 hearing on the Postal Service's direct case, the Postal Service agreed to answer, in writing, several questions based on material in the non-public annex of this docket. Motion at 1. Further, the Public Representative notes that it will file a series of interrogatories to clarify information for the record that the Postal Service's witness was unable to answer

---

<sup>1</sup> Public Representative Motion to Extend Deadline for Filing Rebuttal Testimony, September 9, 2011 (Motion).

<sup>2</sup> American Postal Workers Union, AFL-CIO, Response in Support of Public Representative's Motion to Extend Deadline for Filing Rebuttal Testimony, September 12, 2011 (APWU Support).

<sup>3</sup> Presiding Officer's Ruling Concerning Response Deadline to Public Representative Motion, September 12, 2011 (POR N2011-1/12).

<sup>4</sup> Reply of the United States Postal Service to Motion of the Public Representative Seeking to Extend the Deadline for the Filing of Rebuttal Testimony, September 13, 2011 (Postal Service Reply).

at the hearing. *Id.* at 2. The Public Representative requests that the deadline be extended a week after the receipt of written responses from the Postal Service. *Id.*

APWU states that it supports the Motion, and states that time is needed for parties to review the library references submitted by the Postal Service on September 7, 2011, in addition to those discovery items still outstanding. APWU Support at 1.

The Postal Service notes that it is “working diligently to respond to all outstanding discovery in the docket and is second to none in seeking to ensure procedural fairness for the parties who may be preparing rebuttal testimony”. Postal Service Reply at 1. The Postal Service also notes that the National League of Postmasters has indicated that it requires discovery responses to prepare rebuttal testimony within the deadline. *Id.* The Postal Service states that it does not oppose the Motion. *Id.*

No party filed opposition to the Public Representative’s Motion. The Commission recognizes the need for parties to have sufficient time with the data and information provided by the Postal Service to prepare rebuttal testimony.

However, there is a pressing need to complete the advisory opinion in this docket so that it may be of use during the review of retail facilities for possible closure in late 2011. Revising the procedural schedule to accommodate the parties’ needs is appropriate, but cannot be open-ended as requested by the Public Representative.

The Postal Service is directed to respond to all outstanding discovery (as of the filing of this Ruling), by Monday, September 19, 2011.<sup>5</sup> The remaining dates in the procedural schedule are each set back approximately 1 week, and appear in a revised procedural schedule following the signature of this Ruling. This revised procedural schedule supersedes the schedule set forth in Order No. 778.<sup>6</sup> Rebuttal testimony shall be due Monday, September 26, 2011.

---

<sup>5</sup> The National League of Postmasters recently filed a motion asking for similar relief. National League of Postmasters Motion Requesting United States Postal Service to Provide Responses to Outstanding Discovery, September 13, 2011. That motion is granted as discussed in this Ruling.

<sup>6</sup> Notice and Order Concerning Request for an Advisory Opinion Regarding the Consideration for Closure of Approximately 3,650 Postal Retail Locations, July 28, 2011 (Order No. 778).

The hearing to enter rebuttal testimony into the record, if necessary, will be held on October 11, 2011, at 10:00 a.m.

### RULING

1. The Public Representative Motion to Extend Deadline for Filing Rebuttal Testimony, filed September 9, 2011, is granted, consistent with the body of this Ruling.
2. The Postal Service shall respond to all discovery outstanding as of the filing of this Ruling by September 19, 2011.
3. The hearing to enter rebuttal testimony into the record, if necessary, will be held on October 11, 2011, at 10:00 a.m.
4. The National League of Postmasters Motion Requesting United States Postal Service to Provide Responses Outstanding Discovery, filed on September 13, 2011, is granted as discussed in the body of this Ruling.
5. The revised procedural schedule for this proceeding is set forth below the signature of this Ruling.

Ruth Y. Goldway  
Presiding Officer

## REVISED PROCEDURAL SCHEDULE FOR DOCKET NO. N2011-1

(September 14, 2011)

Filing of rebuttal testimony	September 26, 2011
Conclusion of discovery towards rebuttal testimony	October 3, 2011
Notice of intent to conduct oral cross-examination	October 6, 2011
Hearing to enter rebuttal testimony into the record (10:00 AM in the Commission's hearing room)	October 11, 2011
Notice of intent to file surrebuttal testimony	October 12, 2011
Filing of surrebuttal testimony (if requested)	October 18, 2011
Hearing to enter surrebuttal testimony into the record (9:30 AM in the Commission's hearing room, if necessary)	October 24, 2011
Filing of briefs	
If no surrebuttal testimony filed	October 21, 2011
If surrebuttal testimony filed	November 2, 2011
Filing of reply briefs	
If no surrebuttal testimony filed	October 28, 2011
If surrebuttal testimony filed	November 9, 2011