

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

ANNUAL COMPLIANCE REPORT, 2009

Docket No. ACR2009

RESPONSE OF THE UNITED STATES POSTAL SERVICE IN OPPOSITION  
TO MOTION OF THE PUBLIC REPRESENTATIVE  
(December 18, 2009)

On December 17, 2009, pursuant to Commission Rule 21 allowing parties seeking relief to file a motion, the Public Representative filed a pleading entitled "Public Representative Motion Requesting Commission to Direct United States Postal Service to Provide Estimates of Rate Adjustments Necessary to Maintain Financial Stability." The Postal Service hereby responds in opposition.

Section 3652 of title 39 requires the Postal Service to file its Annual Compliance Report (ACR) within 90 days of the end of the fiscal year. Commission Order No. 203 (Docket No. RM2008-4, April 16, 2009) established the rules which specify the massive amount of information that the Postal Service is intended to provide with the ACR. The Postal Service is currently stretching its production capabilities to the limit in order to comply with those obligations. Needless to say, what the Public Representative is seeking goes well beyond anything even remotely encompassed by the statute or the existing rules.

The Public Representative's motion is tantamount to a request that the Postal Service on December 29<sup>th</sup> be required to file, in addition to the ACR, an

omnibus rate case of the form and structure used under the previous (Postal Reorganization Act) ratemaking regime. On its face, this request is totally unrealistic, as well as pointless. The ACR will be filed in little more than one week. Putting aside all of the myriad important and previously unexplored questions of legal authority and policy under the new statutory scheme that the motion raises, the sheer mechanics of the task the Public Representative seeks to have undertaken would require months and months of preparation, if and when a determination were made to proceed. Clearly, the Public Representative has no expectation that the primary relief he seeks will be forthcoming. Instead, he is using this pleading simply as a vehicle to open a debate on matters he believes to be important, and which he seeks to have addressed.

Therefore, given that its resources are currently heavily devoted to the efforts necessary to file the materials identified in the existing ACR rules, the Postal Service submits that it would be patently unreasonable to divert those resources now to attempt to address the substance of the Public Representative's motion. The Postal Service respectfully submits that the period of intense activity immediately prior to the ACR due date (to say nothing of other seasonal activities occurring during this part of the year) is not the appropriate time to conduct a meaningful dialogue on the range of potentially serious issues raised by the Public Representative's pleading, particularly in the context of a Rule 21 seven-day response period to motions. The Public Representative's

motion should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

R. Andrew German  
Managing Counsel, Pricing & Product  
Development

Daniel J. Foucheaux, Jr.  
Chief Counsel, Pricing & Product  
Support

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Eric P. Koetting

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

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Eric P. Koetting

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-2992, FAX: -5402  
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