

Before The  
POSTAL REGULATORY COMMISSION  
Washington, DC 20268-0001

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Mail Processing Network Rationalization )  
Service Changes, 2012 ) Docket No. N2012-1  
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**STATEMENT BY INTERVENOR NATIONAL POSTAL MAIL HANDLERS UNION  
REGARDING DISCOVERY SCHEDULE IN LIGHT OF THE POSTAL SERVICE'S  
ANTICIPATED SUPPLEMENTATION OR REVISION OF TESTIMONY**

Pursuant to Request by the Chair of the Commission at hearing on March 23, 2012, the Intervenor National Postal Mail Handlers Union submits this Statement regarding the Postal Service's anticipated supplementation of the record with revised witness testimony, and the complications to the discovery schedule resulting from the Postal Service's anticipated time-frame for revising this testimony.

On January 12, 2012, the Commission issued a Procedural Schedule for this docket, under which discovery into the Postal Service's direct case closed on February 24, 2012, with discovery for developing the Intervenor's case closing on April 6, 2012. Rebuttal testimony is due April 23, 2012. On February 23, 2012, the Postal Service announced the results of the more than two hundred individual AMP studies that will define the contours of the proposed redesigned postal network, and which provide the details regarding the Postal Service's anticipated costs and savings associated with each planned facility consolidation. Prior to this announcement, there were a number of interrogatory questions that Postal witnesses were unable to answer without benefit of those decisions. Following the announcement, witness Martin, among others, indicated

that her testimony would be revised to reflect the redesigned network, and stated that she would do so in mid-May. During the hearing established for cross-examination of Postal witnesses on March 21 through March 23, there was substantial discussion regarding the need for the Postal Service to revise or supplement the testimony of several Postal Service witnesses—including Dominic Bratta, Cheryl Martin, Marc Smith, and Michael Bradley—to reflect the decisions in the AMPs, and Postal Service counsel indicated that this could be done in the late April, or May time frame.

Based on representations at the hearing, it therefore appears that these substantial revisions to testimony describing the future network, and the costs and savings associated with it, will not be available until after the discovery available to Intervenors has closed and after the Intervenors' testimony is due. This raises the specter that Intervenors will be denied the due process right to inquire into the basis for the Postal Service's case.

Although the Postal Service may suggest that these revisions to testimony are not essential to the matter before the Commission, this could not be further from the truth. The Commission has been called upon to render a decision about the advisability of the Postal Service's plan to save billions of dollars by substantially dismantling its current network. The actual contours of that network—which necessarily implicates the extent to which this network redesign can be achieved without degrading postal service beyond that anticipated in the proposed revised service standards—and whether this Plan would in fact result in the estimated savings, are essential to the Commission's inquiry into whether this is an advisable plan that can be implemented without undue effect on the efficient delivery of the mail.

The Postal Service has pressed for expediency in this case, yet has delayed in making the AMP information available, filing Library Reference 73 (containing the AMP studies) with the Commission on March 8, two weeks after the decisions were announced to the public. The Postal Service now suggests that it is unable to update the testimony reflecting its plans until mid-May—nearly three months after the decisions were announced.

The NPMHU suggests that, to protect the rights of participants in this proceeding and ensure an adequate development of the facts before the Commission, the Commission permit Intervenors' two weeks of discovery into the revised testimony following the filing of that testimony, with an opportunity to request additional oral cross-examination if necessary, and permit Intervenors' the opportunity to submit revised or supplemental rebuttal testimony within fourteen days following the Postal Service's responses to that discovery.

Respectfully submitted,

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