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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. MC96-3/32

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Special Services Fees and Classifications

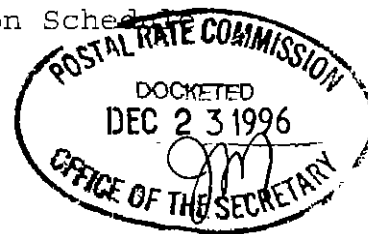
Docket No. MC96-3

PRESIDING OFFICER'S RULING DENYING
REQUEST FOR PRODUCTION OF A WITNESS
ON NONRESIDENT BOX FEE RULES

(December 23, 1996)

On November 25, 1996, Postal Service witness Raymond testified concerning the implementation of the classification and fee changes proposed by the Postal Service in this case. The following day, the Office of the Consumer Advocate Motion to Require the Postal Service to Provide Draft Implementation Rules for the Proposed Nonresident Box Fee and a Witness to Stand Cross-Examination on Such Draft Rules (OCA Motion) was filed. The OCA Motion states that important aspects of the proposed "nonresident box fee" require additional clarification.

The Postal Service filed in opposition on December 6, 1996. Response of United States Postal Service to OCA Motion to Provide Draft Implementation Rules and Additional Witness (Response). The Service indicates that the requested relief is impractical and would be disruptive. It argues that it should be able to continue to adjust rules in light of issues raised during the case. Furthermore, final implementation rules will have to be made consistent with the Domestic Mail Classification Schedule.



provisions recommended by the Commission and approved by the Governors.

On December 13, 1996, the Postal Service filed a Second Status Report on Implementation of Special Service Reform Proposals. This document is characterized by the Postal Service as describing issues raised during internal meetings, and the Service states that the contents of this report should not be relied upon as tentative Postal Service decisions.

I accept as accurate Postal Service statements to the effect that it has not yet developed language that it is willing to publish as "tentative decisions" about how the proposed nonresident fee would be applied. Second Status Report of United States Postal Service on Implementation of Special Service Reform Proposals, December 13, 1996, at 1. That being so, the Postal Service is correct that the relief requested in the OCA Motion could delay this case significantly. Response at 5.

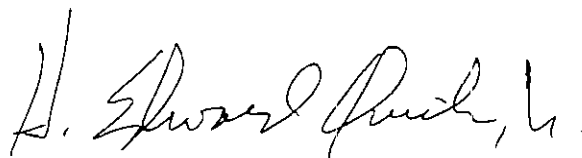
I will deny the OCA Motion. It has been more than six months since the Postal Service Request in this case was filed. During that time, OCA has diligently submitted discovery requests to clarify aspects of the Postal Service's proposals and to develop the evidentiary record in this case. At this point, it seems that the record contains all available information about Postal Service implementation plans concerning the nonresident fee. If OCA concludes that there is not sufficient information available to reach an informed decision on the merits of that proposal, it may so advise the Commission in its briefs.

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RULING

The Office of the Consumer Advocate Motion to Require the Postal Service to Provide Draft Implementation Rules for the Proposed Nonresident Box Fee and a Witness to Stand Cross-Examination on such Draft Rules, filed November 26, 1996, is denied.



H. Edward Quick, Jr.
Presiding Officer