

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

PERIODIC REPORTING
(PROPOSAL ONE)

Docket No. RM2022-3

**MOTION OF THE UNITED STATES POSTAL SERVICE FOR
LEAVE TO FILE RESPONSE TO UPS SUR-REPLY COMMENTS
REGARDING PROPOSAL ONE**
(May 19, 2022)

Order No. 6119 (March 11, 2022) reset the deadline for initial comments in this docket to March 28, and the deadline for reply comments to April 25. On April 25, the Postal Service offered its reply comments, primarily in the form of a report by Professor Bradley. On May 16, UPS filed (with an accompanying motion for leave) sur-reply comments. In that filing, UPS endorsed the adjustment presented in Professor Bradley's April 25 report, but also argued for a modification that would yield relatively minor increases in the variabilities applied to FY 2021. The Postal Service hereby requests leave to file a response to address the modification proposed in the UPS sur-reply comments.

Initially, the Postal Service notes that it does not oppose the UPS motion for acceptance of the UPS sur-reply comments. The Postal Service observes, however, that in its motion for leave, UPS characterizes its sur-reply comments as supporting the adjustment proposed by Professor Bradley because it helps address an issue that UPS identified in its initial comments. UPS Motion for Leave at 2. The UPS motion, however, neglects to acknowledge that UPS is also using its sur-reply comments to

propose a modification to Professor Bradley's adjustment procedures.¹ This additional information could potentially have had a bearing on how the Postal Service and other parties might react to the UPS motion (and, of course, to the sur-reply comments themselves), and the Postal Service submits that such an acknowledgment would beneficially have been included in the UPS motion for leave.

With respect to the Postal Service's instant motion for leave, because UPS has chosen to propose a modification to the adjustment procedures, assuming that the UPS motion for leave is granted, the merits of the modification that UPS is proposing warrant further discussion and review. Acceptance of the Postal Service's response to the UPS sur-reply comments would enhance the Commission's ability to evaluate the statements made by UPS, and thus create a more complete record for consideration of Proposal One and potential adjustments thereto. The Postal Service would otherwise have no opportunity to respond to the new claims advanced by UPS in its sur-reply comments regarding its proposed modification to the adjustment procedures. The Postal Service's response to the UPS reply comments is proffered in a separate pleading submitted concurrently (which, once again, is accompanied by a report prepared by Professor Bradley addressing the salient issues).

Wherefore, the Postal Service respectfully requests leave to file a response to

¹ While the modification is empirically modest, UPS obviously viewed it as sufficiently material to present and document as part of its sur-reply.

the sur-rely comments submitted in this proceeding on May 16 by UPS.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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