

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on Charges for the
Bulk Parcel Return Service

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Docket No. C99-4

OFFICE OF THE CONSUMER ADVOCATE
MOTION TO MOVE INTO THE RECORD
EVIDENCE IN PAST RELATED PROCEEDINGS
AND NOTIFICATION OF INTENT TO CONDUCT WRITTEN DISCOVERY
(December 2, 1999)

The Office of the Consumer Advocate ("OCA") hereby (1) moves the Commission to place into this record certain designated record evidence from related past proceedings and (2) notifies the Commission of its intent to conduct written discovery in this proceeding.

The Commission's Order No. 1271 in this proceeding¹ responded to the motion of Continuity Shippers Association ("CSA") to place the Postal Service's 1998 Bulk Parcel Return Service (BPRS) cost study into this record. The Commission ordered the Postal Service to provide by December 2, 1999, a witness to sponsor the Postal Service's BPRS cost study. In addition, Order No. 1271 established procedural dates for the participants to offer in evidence material from past cases and to designate facts appropriate for official notice and

¹ "Order on Further Procedures," November 18, 1999.

to indicate their desire to undertake written discovery, cross-examination or to present direct evidence.

Order No. 1271 also requested the parties to continue to discuss possible settlement of this case. Several of the participants have continued to discuss settlement options since the Commission's order, but no procedural or substantive issues have yet been agreed to among the parties.

The Commission's Order No. 1271 provided more specifically that, "*Parties who wish to move past evidence or facts appropriate for official notice into the record of the current docket should do so by December 2, 1999, with replies to any such motions due by December 8, 1999.*"² It additionally ordered, "*All parties interested in conducting oral cross-examination or written discovery, or filing direct evidence, should notify the Commission of their intent to do so no later than December 8, 1999.*"³ OCA hereby responds to those portions of Order No. 1271.

I. Motion to Enter Evidence Into the Record

OCA moves the Commission to admit into evidence in this proceeding the following testimony filed by the Postal Service and entered into the record in past proceedings.

A. Docket No. MC97-4, Bulk Parcel Return Service and Shipper-Paid Forwarding Classification and Fees, 1997

USPS-T-1, testimony and attached exhibits of Postal Service witness Pham (attributable cost estimate for the proposed Bulk Parcel Return Service).

² "Order on Further Procedures," November 18, 1999. ordering para. 2.

³ Id., ordering para. 3.

USPS-T-2, testimony and attached exhibits of Postal Service witness Adra (rationale and benefits underlying Postal Service classification and pricing for the proposed Bulk Parcel Return Service).

B. Docket No. MC99-4, Bulk Parcel Return Service Expedited Minor Classification Case

USPS-T-1, testimony of Postal Service witness Adra (benefits to concerned persons in justification of classification revision).

USPS-T-2, testimony of Postal Service witness Eggleston (analysis of potential for additional costs associated with classification revision)

The above material relates to matters at issue in this proceeding and will contribute to the necessary basis for resolution of the issue of the appropriate costs to attribute to BPRS service and the appropriate markup to be applied to the attributable costs. The initial cost estimates of witness Pham in Docket No. MC97-4 and the methodology underlying the estimates is relevant and a useful guide and starting point for determining whether the BPRS cost study correctly measures attributable costs. The costing testimony of witness Eggleston in Docket No. MC99-4 is important as it analyzes the potential cost impact of approved changes in the BPRS service occurring after the BPRS cost study.

Witness Adra's testimony in each of the dockets discusses the benefits of BPRS and the resultant pricing of BPRS in the context of the requirements of §3622(b) of the Postal Reorganization Act, which sets forth the factors to be considered in making a recommendation for changes in rates and fees for each type of service. Witness Adra's previous testimony is therefore relevant to a

determination of the appropriate markup for BPRS, the second issue raised by the complainant in this proceeding.

II. Notice of Intent to Conduct Written Discovery

OCA hereby notifies the Commission of its intent to conduct written discovery on the BPRS cost study as soon as possible. OCA believes it can resolve its questions concerning the BPRS cost study with interrogatories and therefore does not request an opportunity for oral cross-examination on the BPRS cost study. However, OCA reserves the right to conduct cross-examination in the event a hearing is held on the cost study at the request of the parties.

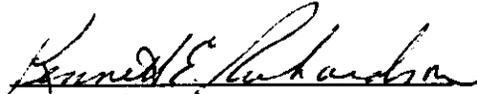
At this time, subject to unforeseen developments in the procedural course of this proceeding, OCA does not intend to file direct evidence. However, OCA also reserves the right for an opportunity to submit answering evidence in the event direct evidence is filed by any party.⁴

⁴ Because OCA intends to conduct discovery in this proceeding, the mid-December dates established by the Commission in Order No. 1271 for briefing the issues in the event it received no request for discovery, oral-cross-examination or opportunity to submit additional evidence may no longer be applicable.

Wherefore, OCA respectfully moves the admission into evidence of the above listed testimony and exhibits.

Respectfully submitted,

OFFICE OF THE CONSUMER ADVOCATE

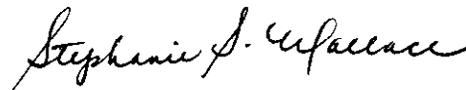


Ted P. Gerarden
Director

Kenneth E. Richardson
Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.



Stephanie S. Wallace

Washington, D.C. 20268-0001
December 2, 1999