

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

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

COMPLAINT OF THE CONTINUITY  
SHIPPERS ASSOCIATION

Docket No. C99-4

MOTION OF UNITED STATES POSTAL SERVICE  
FOR SUSPENSION OF PROCEEDINGS  
OR CONSOLIDATION OF THIS DOCKET WITH DOCKET NO. R2000-1  
AND MOTION FOR EXPEDITED CONSIDERATION OF THIS MOTION  
(January 12, 2000)

The United States Postal Service hereby moves that the Commission either suspend this docket pending litigation of Docket No. R2000-1 or consolidate this docket into the rate case. These approaches have been taken by the Commission in the past whenever complaint cases challenging rates were overtaken by the filing of an omnibus rate case that included proposed changes to the challenged rates.<sup>1</sup>

As the Commission noted when it suspended a previous complaint case upon the filing of an omnibus rate case, it is "inefficient to have two separate proceedings to develop the same factual record." Order No. 762, at 1. In another case, the Commission cited "the potential for duplication of effort, the existence of rate case testimony addressing the [relevant issues], the Postal Service's production of new cost and volume data and the lack of prejudice to interested parties" as reasons to

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<sup>1</sup> See Docket No. C86-3, Order No. 762, June 11, 1987 (suspending proceedings); Docket No. C89-3, Order No. 864, March 29, 1990 (consolidating proceedings). See also Docket No. C97-1 (Order No. 1184, June 11, 1997) (consolidating complaint case with mail classification case dealing with same issues); Docket No. C93-2, (Order No. 1040 January 12, 1995) (dismissing pending complaint as moot as a result of litigation of rates in omnibus rate case).

consolidate a complaint docket into an omnibus rate case. Order No. 864, at 1-2.

These reasons all apply in this instance as well.

The issues raised in this complaint are the same issues that will be resolved in the rate case: the estimated costs of BPRS and the appropriate markup of those costs. Indeed, the rate case provides a forum for a better resolution of these issues. The rate case presents new BPRS costs that are rolled forward on the same specific postal basis as the costs underlying all other rates and fees. The rate case also presents testimonies on the issues of the appropriate cost coverage and fee, and does so in a better context for analysis of these issues in light of all other types of mail and special services.

The OCA has discussed fully the reasons it believes it is inappropriate to recommend a change in the BPRS fee on the basis of a separate review in isolation from other mail services. Office of the Consumer Advocate Response to Continuity Shippers Association Statement on Proposed Schedule at 4-8 (October 1, 1999). The Postal Service commends this discussion to the Commission; there is no need for the Postal Service to repeat those points here.

Continuing litigation of the instant docket will result in substantial duplication of effort. The Postal Service is filing rate case testimony that addresses all the issues relevant to the complaint case. It would be duplicative and inefficient for the Postal Service to file and document rebuttal testimony repeating these matters and for the other participants to conduct discovery and cross-examination of Postal Service rebuttal witnesses in the complaint case at the same time discovery is proceeding on the same matters in the rate case. Maintaining two dockets would put an unnecessary burden on

the Commission. If the Commission decides to issue a recommended decision, it would have to draft an Opinion for the Governors and the Governors would have to determine what action to take. The need for all of this effort would be obviated by suspension or consolidation of this docket, as has been done in the past.

In light of the fact that statements of intent to cross-examine CSA's witness and to submit rebuttal testimony are due on January 24, the Postal Service requests that the Presiding Officer rule that responses to this motion to suspend or consolidate be filed no later than January 18. If the Commission decides to suspend this docket, there will be no need for the January 24 statements or for hearings or briefs on January 28. If the Commission consolidates the dockets, the procedural schedule would have to be changed to conform to that in the rate case. In light of the general demands of the omnibus rate case on all parties, it is in the interest of all parties to have a rapid resolution of the status of the complaint case.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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January 12, 2000

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



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January 12, 2000