

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 LEAVE TO FILE RESPONSE TO
AND RESPONSE TO CONTINUITY SHIPPERS ASSOCIATION OPPOSITION
TO POSTAL SERVICE'S MOTION TO SUSPEND OR CONSOLIDATE
(January 21, 2000)

On January 19, 2000, the Continuity Shippers Association filed a response in opposition to the Postal Service's motion of January 12 to suspend proceedings in this docket or to consolidate this docket with Docket No. R2000-1. In accordance with rule 21(b) of the Commission's rules of practice and procedure, the Postal Service moves that it be allowed to reply to CSA's opposition, which contains several misstatements of fact that warrant correction.

Among the accusations and innuendos with which CSA starts off its response, the most glaringly in need of correction is the statement that "[t]he return service provided under the Third Class single piece rate and BPRS are the same." CSA Opposition at 1. Anyone familiar with the details of Docket Nos. MC97-5 and MC99-4 and the DMCS and DMM provisions that arose as a result is aware that this statement is erroneous; the Postal Service need not detail those differences here. Moreover, there is no support for the implication in that same paragraph that the Postal Service believed that the rates lawfully recommended by the Commission in Docket No. R94-1 for third-class single piece were inconsistent with the policies of the Act. In light of the significant increase in some third-class single piece rates as a result of the Commission's

recommendations in Docket No. R84-1, the Postal Service began to address the situation as it applied to mailers of what came to be known as Standard Mail (A) parcels. Defining the changes needed to address the issue was not an easy process, in light of the general complexity and interrelatedness of all the issues involved and the need to balance the interests of various mailers and of efficient postal operations. The Postal Service devoted significant resources to the matter and a specialized return service for Standard Mail (A) parcels—BPRS—was ultimately developed, advanced, and implemented. That it was not done with the speed that CSA might have wished does not justify this complaint, which must show that rates are unlawful.

CSA asserts that this docket is “close to completion.” Perhaps it is from CSA’s perspective, but from the Postal Service’s, and we daresay the Commission’s, significant work remains, including the preparation of rebuttal testimony, preparation for hearings, hearings themselves, preparation of briefs and reply briefs, and the issuance of a recommended decision. Completing these endeavors, while Docket No. R2000-1 is ongoing, would create a significant and unnecessary burden on all involved.¹ Imposing this burden is unnecessary because the rate case addresses the very same issues raised by the complaint and does so in a context more appropriate to their proper resolution.

¹ While CSA might prefer not to wait until the resolution of the rate case for a resolution of its complaint, the complainants in the other complaint cases that were suspended or consolidated with an omnibus rate case may very well have shared those sentiments, but those sentiments were not and should not be a basis for the Commission’s determination on the motion before it.

CSA's argument, at pages 3-4 of its filing, that suspension or consolidation would be bad precedent due to the allegedly more frequent filing of omnibus rate cases is also misplaced. Over the last two decades, omnibus rate cases have been filed in 1980, 1983, 1987, 1990, 1994, 1997, and 2000. The regular pattern is clear and continues to the present. While undersigned counsel is sympathetic, given his own advancing age, that the perception that "the next omnibus rate case...will always be coming shortly" might seem accurate, the facts, as the calendar attests, are indeed otherwise.

It should be remembered that the timing of the filing of this complaint docket was within the complainant's sole control. If the unlawfulness of the fee at issue is so clear, one must wonder why CSA waited to file its complaint until June 9, 1999—*seven months* after the BPRS cost study was publicly submitted by the Postal Service.

The Postal Service appreciates the opportunity to be heard by the Commission to correct the factual inaccuracies in the complainant's response and respectfully requests that the Commission grant the Postal Service's original motion to suspend or consolidate.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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January 21, 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.

A handwritten signature in black ink, appearing to read "Scott L. Reiter", is written over a horizontal line.

Scott L. Reiter

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