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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY
ORDER NO. 1281

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Edward J. Gleiman, Chairman;
George A. Omas, Vice Chairman;
Dana B. Covington, Sr.; Ruth Y. Goldway;
and W.H. "Trey" LeBlanc III

Complaint on Charges for the
Bulk Parcel Return Service

Docket No. C99-4

ORDER DENYING POSTAL SERVICE MOTION TO SUSPEND
OR CONSOLIDATE DOCKET NO. C99-4

(Issued January 24, 2000)

On January 12, 2000, the United States Postal Service filed a motion for suspension of Docket No. C99-4 proceedings or, in the alternative, for the consolidation of this docket with the recently filed omnibus rate case Docket No. R2000-1.¹ Docket No. R2000-1 addresses the Bulk Parcel Return Service now at issue in this complaint case. The Postal Service argues that continuing litigation in Docket No. C99-4 would be inefficient and a substantial duplication of effort, as the omnibus rate case filing proposes changes to the estimated costs of BPRS and the appropriate markup of those costs.² The Postal Service further maintains that it is inappropriate to consider a

¹ 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 (Postal Service Motion), January 12, 2000, at 1.

² *Id.* at 2.

change in the BPRS rate on the basis of a review of BPRS in isolation from other mail services.³ Commission precedent for suspension or consolidation of complaint cases challenging rates under similar circumstances is cited.⁴

On January 14, 2000, Commission Order shortened the period for submission of answers to the Postal Service Motion in recognition of the impending deadlines for hearings and briefs.

Two parties responded to the Postal Service Motion.⁵ On January 19, 2000, the Office of the Consumer Advocate (OCA) filed its answer supporting the suspension or consolidation of Docket No. C99-4.⁶ OCA agrees with the Service that proceeding with two separate dockets which address the same BPRS issues would be inefficient. According to OCA, the Commission's request for the BPRS cost study did not necessarily indicate its intention to conduct an interim review of the BPRS rate.⁷ Further, should Docket No. C99-4 move forward, the new BPRS rate would be only temporary, effective for perhaps a period of no more than ten months.⁸

The Continuity Shippers Association (CSA) opposes the Postal Service's Motion.⁹ In its January 19, 2000 Answer, CSA highlights the repeated attempts by interested mailers to achieve a BPRS rate which reflects the service's attributable costs,

³ *Ibid.*

⁴ *Id.* at 1.

⁵ On January 21, 2000, the Postal Service requested permission to file a reply to the parties' responses, which is granted. The Postal Service reply focuses on the accuracy of statements made by CSA, and raises no new issues for consideration. 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.

⁶ Office of the Consumer Advocate Response to United States Postal Service Motion for Suspension of Proceedings or Consolidation of this Docket with Docket No. R2000-1 (OCA Response), January 19, 2000, at 1.

⁷ *Id.* at 4.

⁸ *Ibid.*

⁹ Continuity Shippers Association Opposition to Postal Service's Motion to Suspend or Consolidate Proceedings with R2000-1 (CSA Answer), at 1.

culminating in Docket No. C99-4.¹⁰ CSA further points out that the current complaint case is near completion, while the R2000-1 omnibus rate case is at its infancy. Thus, any duplication of effort would be minimal.¹¹ Moreover, should the Commission consolidate the dockets, BPRS users would be substantially prejudiced by the extended period during which an inequitable rate would be effective.¹² Finally, CSA argues that consolidation of Docket No. C99-4 into the omnibus rate case would thwart the complaint process.¹³ The Commission effectively would set a precedent significantly narrowing the window of opportunity for independent consideration of a complaint, given the frequent filing of omnibus rate cases.¹⁴

CSA's arguments are well-founded. The recent filing of omnibus rate case Docket No. R2000-1 in no way obviates the Commission's interest in resolving the BPRS complaint case in a timely manner, and in providing any rate relief justified by application of the policies of the Postal Reorganization Act. The contested issues in this complaint are quite narrow, and it appears that these proceedings will be complete before rate case hearings begin. To allow Docket No. R2000-1 to supersede the BPRS complaint docket, particularly in light of the late stage of Docket No. C99-4 proceedings, would compromise the complaint process and might result in an injustice to the Complainant. Accordingly, the Postal Service Motion to suspend or consolidate Docket No. C99-4 with omnibus rate case Docket No. R2000-1 is denied.

¹⁰ *Ibid.*

¹¹ *Id.* at 2-3.

¹² *Id.* at 3.

¹³ *Id.* at 3-4.


¹⁴ *Id.* at 4.

It is ordered:

The 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, filed on January 12, 2000, is denied.

By the Commission.

(S E A L)



Margaret P. Crenshaw
Secretary