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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/4

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

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER RULING
ESTABLISHING THE PROCEDURAL SCHEDULE

(Issued February 25, 2000)

Presiding Officer's Ruling R2000-1/1 distributed a proposed procedural schedule and provided for comments at the prehearing conference scheduled for February 16, 2000. Prior to the conference written comments on the schedule were submitted by Douglas Carlson; Newspaper Association of America; United Parcel Service; and jointly by Val-Pak Direct Marketing Systems, Inc., Val-Pak Dealers' Association, Inc. and Carol Wright Promotions, Inc.

During the conference participants focused on the benefits of additional time for discovery on the direct case of the United States Postal Service and additional time for the preparation of the direct cases of participants other than the Postal Service. Additional time for the preparation of initial briefs and reply briefs was also mentioned. These comments were taken under advisement pending responses to Notice of Inquiry No. 1 concerning the availability and potential use of fiscal 1999 Postal Service data.

Seven participants filed comments in response to Notice of Inquiry No. 1¹. Most of these comments could not identify specific dates that would accommodate appropriate use of fiscal 1999 data, as there is no set date when that data will become available. However, the comments generally suggested that extending the periods available for discovery on the Postal Service and for developing intervenor testimony would be the best way to allow participants to analyze and effectively utilize fiscal 1999 data.

Having considered the written and oral comments I have revised the proposed procedural schedule by allowing additional time for discovery on the Postal Service direct case, and additional time for the preparation of participants' direct cases, including rebuttal to the Postal Service. I have not extended these dates to the fullest extent suggested by some of the comments, in order to retain an adequate time for the preparation of briefs and reply briefs, and to allow the possibility for accommodating requests for oral arguments and other contingencies.

The procedural schedule accommodates discovery on Postal Service fiscal 1999 operating results. Questions designed to elicit information clarifying the 1999 CRA, billing determinants, and their supporting documentation will be considered appropriate for helping to develop direct and rebuttal testimony. As such, they may be filed through July 11, 2000. Participant direct cases are to be filed by May 22, 2000. This should allow for the preparation of testimony incorporating participants' views on the appropriate use of fiscal 1999 operating results.

¹ Response of Alliance of Nonprofit Mailers to Notice of Inquiry no. 1 Concerning Base Year Data, February 23, 2000; Association for Postal Commerce Comments on Notice of Inquiry No. 1, February 23, 2000; Association of American Publishers Comments in Response to Notice of Inquiry No. 1 Concerning Base Year Data, February 23, 2000; Comments of the Newspaper Association of America On Notice of Inquiry No. 1, February 23, 2000; Office of the Consumer Advocate Comments in Response to Notice of Inquiry No. 1 Concerning Base Year Data, February 23, 2000; Response of United Parcel Service to Notice of Inquiry No. 1 Concerning Base Year Data, February 23, 2000; Initial Comments of the United States Postal Service in Response to Notice of Inquiry No.1, February 23, 2000.

The responses to Notice of Inquiry No. 1 offer a number of suggestions about how the Commission might attempt to justify extending its considerations beyond the ten months allowed by statute. While the Commission will entertain motions at any time that request specific procedural relief, at first blush it must be said that arguments for extending the case are not persuasive. The Postal Service is free to submit a request for a recommended decision at any time, and the law provides a ten month period for considering such a request that can only be extended if the Service causes delay by failure to comply with a Commission order. Therefore, the procedural schedule has been developed so as to allow the Commission an adequate opportunity to evaluate the evidence and arguments of all participants and issue a timely opinion and recommended decision.

RULING

The procedural schedule for this case is set out as Attachment A to this Ruling.



Edward J. Gleiman
Chairman

PROCEDURAL SCHEDULE
POSTAL RATE AND FEE CHANGES
Docket No. R2000-1

January 12, 2000	Postal Service Request filed
February 16, 2000	Prehearing conference
March 16, 2000	Identify expected amount of oral cross-examination. Report on the availability of witnesses
March 23, 2000	Completion of discovery on the Postal Service's direct case
April 5, 2000	Trial brief of the Postal Service
April 11 – May 5, 2000	Hearings for cross-examination of the Postal Service's direct case (9:30 a.m. in the Commission hearing room)
May 22, 2000	Filing of the case-in-chief of each participant, including rebuttal to the Postal Service
June 19, 2000	Identify expected amount of oral cross-examination. Report on the availability of witnesses
June 19, 2000	Completion of discovery directed to intervenors and the OCA
June 29, 2000	Trial briefs of intervenors and the OCA
July 6 – 21, 2000	Evidentiary hearings on the cases-in-chief of intervenors and the OCA (9:30 a.m. in the Commission hearing room)
July 11, 2000	Completion of discovery directed to the Service

July 31, 2000	Filing of evidence in rebuttal to the cases-in-chief of participants other than the Postal Service (no discovery permitted on this rebuttal evidence; only oral cross-examination)
August 9 – 17, 2000	Hearings on rebuttal to participants' direct evidence (9:30 a.m. in the Commission hearing room)
August 29, 2000	Filing of initial briefs
September 8, 2000	Filing of reply briefs
September 20 – 21, 2000	Oral argument (if requested)