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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

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

PRESIDING OFFICER'S
RULING NO. R2000-1/138

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER'S RULING

(Issued August 30, 2000)

On August 22, 2000, the Office of the Consumer Advocate (OCA) filed a motion to compel a response to interrogatory OCA/USPS-ST44-51¹. A flurry of pleadings has followed. The Postal Service filed an answer, OCA filed a response to that answer, and the Postal Service filed a rejoinder to that response². I will accept all of these pleadings. I will deny the motion to compel.

The OCA interrogatory requests the production of a document that Postal Service counsel has assured us, does not exist. The OCA, and many in the mailing industry, including members of this Commission and its staff, might have surmised that the Postal Service operated under an annual budget that was carefully developed, and was then reviewed and eventually approved by the Board of Governors before the beginning of each fiscal year.

We have been told that fiscal 2001 will have begun and been ongoing for approximately a month before the Board of Governors will see what passes for a formal

¹ Office of the Consumer Advocate Motion to Compel Production of Documents As Requested in OCA/USPS-ST44-51, filed August 22, 2000.

² Response of United States Postal Service to Motion of the Office of the Consumer Advocate to Compel Production of Documents as Requested in OCA/USPS-ST44-51, filed August 25, 2000; Office of the Consumer Advocate Reply to Response of the Postal Service to OCA Motion to Compel Production of Documents, filed August 28, 2000; Response of United States Postal Service to Unauthorized Pleading of the Office of the Consumer Advocate regarding Motion to Compel Documents Relating to OCA/USPS-ST44-51, filed August 29, 2000.

budget for the Postal Service. And we have been told that what the Governors will approve is:

a net income goal and a set of planning parameters that support that net income goal. The Board is not supplied with and does not vote on detailed operating plans. Detailed operating plans have typically *not been completed at the time the Board votes on the budget.*


(emphasis added)

This quote appears in two Postal Service pleadings on this topic³. Since detailed operating plans have typically not been completed at the time the Board votes on the budget, which is after the fiscal year has already begun, it is clear that such plans can not be provided now, in response to OCA's discovery request.

OCA, and all other parties may argue the significance of these facts to the Commission as they relate to the weight the Commission should give to the statements of witness Patelunas, or other witnesses, that testimony is consistent with the fiscal 2001 operating budget.

RULING

The Office of the Consumer Advocate Motion to Compel Production of Documents as Requested in OCA/USPS-ST44-51, filed August 22, 2000, is denied.


Edward J. Gleiman
Presiding Officer

³ Response of United States Postal Service to Unauthorized Pleading of the Office of the Consumer Advocate Regarding Motion to Compel Documents Relating to OCA/USPS-ST44-51, filed August 29, 2000, at 2, quoting Response of United States Postal Service to Question Raised at Hearings on August 3, 2000, filed August 15, 2000, at 1.