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ORDER NO. 1302

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

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; Ruth Y. Goldway;
and W.H. "Trey" LeBlanc III

Postal Rate and Fee Changes

Docket No. R2000-1

ORDER DENYING REQUEST
FOR CHANGE IN PROCEDURAL SCHEDULE

(Issued December 21, 2000)

On December 11, 2000, the Commission issued Order No. 1301 initiating further proceedings to reconsider the Postal Service Request in this docket.¹ Order No. 1301 also established a *procedural schedule geared to the date on which the Postal Service filed its initial comments*. Specifically, the Commission established January 3, 2001 as the deadline for submission of the Postal Service's comments, in which case participants' comments would be due January 24, 2001. Alternatively, the Commission recognized that the Postal Service may be in a position to file its comments earlier and thus provided that if the Postal Service filed its comments on or before December 20, 2000, participants' comments would be due January 12, 2001. In each case, the Postal Service would have one week to reply.²

¹ Notice of Request for Reconsideration and Order Establishing Procedures, Docket No. R2000-1, December 11, 2000.

² See *id.* at 3-4.

On December 20, 2000, the Postal Service filed its response to Order No. 1301.³ In addition to addressing issues on reconsideration, the Postal Service requests that the procedural schedule be modified so that participants' comments would be due no later than January 3, 2001, with the Postal Service's reply comments filed no later than January 10, 2001. In support of its request, the Postal Service refers to "the substantial difference between the Governors' estimate of the Postal Service's revenue needs, and the Commission's recommendations." Reconsideration Memorandum at 36. The impetus for the proposed schedule appears to be the Governors' regularly scheduled February meeting. *Id.* at 38.

The request is denied. The Postal Service has been aware of the current procedural schedule since December 11, 2000, the date on which Order No. 1301 was issued. It delayed requesting modification of that schedule, however, until December 20, 2000, the date on which it filed its initial comments. Moreover, as a practical matter, as early as December 5, 2000, the day after the Governors' Decision, the Postal Service could have sought a procedural schedule that attempted to recognize both its desire for expedition and the practical effects of the impending holidays on participants' opportunity to meaningfully address the merits of the Postal Service's comments. The shortened schedule proposed by the Postal Service fails to accommodate these conflicting interests. Whatever opportunity there may have been to shorten the procedural dates has been lost by the Postal Service's delay in making its request.

In support of its proposal, the Postal Service cites the circumstances in Docket No. R90-1 as comparable, thus justifying a shortened schedule in this docket. Reconsideration Memorandum at 37. The comparison is misplaced for the very reason, among others, that makes the Postal Service's proposal unrealistic, namely, the intervening year-end holidays, which were not at issue in the prior docket.

³ Memorandum of the United States Postal Service on Reconsideration and Request for Expedition, Docket No. R2000-1, December 20, 2000 (Reconsideration Memorandum).

In their decision, the Governors urged the Commission to issue its further recommended decision "as expeditiously as possible."⁴ The Commission intends to act promptly on the matters before it. The need to act expeditiously, however, must be balanced with a reasonable opportunity for the participants to address the merits of the Postal Service's request for reconsideration.

In sum, with the holidays at hand, it is unrealistic as well as unfair to burden the participants in the manner suggested by the Postal Service.

It is ordered:

The Postal Service's request for modification of the procedural schedule is denied.

By the Commission.

(SEAL)


Cyril J. Pittack
Acting Secretary

⁴ Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Postal Rate and Fee Changes, Docket No. R2000-1, December 4, 2000 at 12.