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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S RULING  
NO. R2001-2/MC2001-2/2

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

Experimental Suspension of Fee for  
Manual Delivery Confirmation Category

Docket No. R2001-2  
Docket No. MC2001-2

PRESIDING OFFICER'S RULING  
ESTABLISHING PROCEDURAL SCHEDULE

(Issued October 12, 2001)

The Commission has announced its intention to evaluate the Postal Service request in this case and submit a timely recommended decision, either pro or con, to the Governors of the Postal Service. The Postal Service proposes an experiment that involves changing the fee for delivery confirmation service between December 1 and December 16, 2001. The procedural schedule announced in this ruling establishes a framework for achieving the Commission's goal consistent with providing due process to all participants.

*Discovery.* Written discovery is a useful tool to facilitate effective oral cross-examination. Parties have already initiated discovery. United Parcel Service has requested that the discovery period on the Postal Service's direct case extend almost six weeks. The Postal Service answers that it is prepared to respond to written discovery filed through October 19, 2001, or slightly in excess of 4 weeks. Considering the scope of the issues inherent in the Postal Service's request, I consider four weeks of written discovery prior to oral cross-examination to be adequate.

*Hearings on Postal Service direct case.* Cross-examination of the Postal Service witness should be completed a reasonable period before participants are to submit their rebuttal testimony. At the prehearing conference I determined that the Postal Service witness would be available for cross-examination on Tuesday, October 23, 2001. I will schedule cross-examination to begin on that date.

Counsel for United Parcel Service suggests that hearings should not begin before answers to written discovery have been provided. In general, that has been Commission practice, although on occasion witnesses have simply been instructed to be prepared to respond orally at hearings to outstanding written discovery.

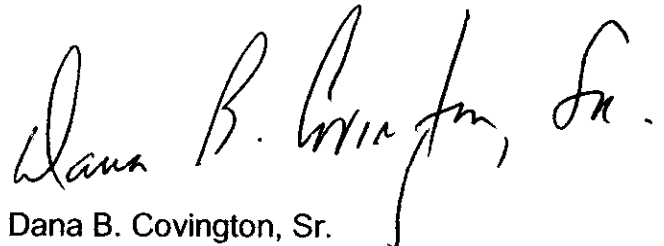
Discovery will be permitted through October 19, 2001. Written answers to discovery submitted by close of business, October 17, 2001, are to be filed with the Commission and provided to Postal Service counsel by 12:00 noon, October 22, 2001. Written answers to discovery submitted on October 18-19, 2001 are to be available at the beginning of the October 23, 2001 hearing. If necessary to enable counsel to cross-examine on discovery responses received on the morning of October 23, 2001, hearings may continue on October 24, 2001.

*Rebuttal Testimony.* During omnibus rate cases, rebuttal to the direct testimony of participants other than the Postal Service is generally scheduled for one week after the conclusion to hearings to receive participant direct evidence. The attached schedule reduces that period to six days, until October 29, 2001. If this interim is inadequate for a portion of the rebuttal testimony contemplated by any participant, I will consider an appropriate motion for extension. It would be my expectation, however, that most, if not all, participant evidence will be filed by October 29, 2001. The hearing to receive participants' evidence will take place on November 1, 2001.

*Briefs.* Initial briefs in this case are to be filed November 7, 2001. Reply briefs are to be filed by 12:00 noon on November 13, 2001.

### RULING

The procedural schedule for this case is as described in the body of this ruling. For participants' reference, it also is provided as an attachment to this ruling.



Dana B. Covington, Sr.  
Presiding Officer

PROCEDURAL SCHEDULE  
EXPERIMENTAL SUSPENSION OF FEE FOR  
MANUAL DELIVERY CONFIRMATION CATEGORY

Docket No. R2001-2  
Docket No. MC2001-2

September 20, 2001	Postal Service Request filed
October 12, 2001	Prehearing conference
October 19, 2001	Completion of discovery on the Postal Service's direct case
October 23-24, 2001	Hearings for cross-examination of the Postal Service's direct case (9:30 a.m. in the Commission hearing room)
October 29, 2001	Filing of the case-in-chief of each participant, including rebuttal to the Postal Service
November 1, 2001	Evidentiary hearings on the cases-in-chief of intervenors and the OCA (9:30 a.m. in the Commission hearing room)
November 7, 2001	Filing of initial briefs
November 13, 2001	Filing of reply briefs