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POSTAL SERVICE
OFFICE OF THE PRESIDING OFFICER

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

PRESIDING OFFICER'S
RULING NO. C99-1/28

Complaint on Post E.C.S.

Docket No. C99-1

PRESIDING OFFICER'S RULING
CERTIFYING QUESTION OF MOOTNESS

(Issued October 1, 2002)

In Presiding Officer's Ruling No. C99-1/27, I noted the Postal Service's publicly-announced intention to discontinue Post E.C.S. service, the sole subject of this proceeding, and directed the Postal Service to file a declaration describing the current status of that service by September 19. I also set a deadline of September 26 for the filing of responses to the Service's declaration by other interested parties.

In its pleading of September 19,¹ the Postal Service argues that the Complaint is moot, and moves to dismiss it on that ground. In support of its position, the Service provides the declaration of Leo J. Campbell, former program manager of the Post E.C.S. service. Mr. Campbell's declaration states that Post E.C.S. service has been terminated, and that the Postal Service has no plans to reintroduce it.²

On September 26, Complainant United Parcel Service ("UPS") submitted its answer to the Postal Service's motion to dismiss.³ Based on Mr. Campbell's Declaration, UPS states that it appears that the reason for its Complaint no longer exists, and does not oppose the Service's motion to dismiss the Complaint as moot. The Office of the Consumer Advocate similarly states that, in light of termination of the

¹ United States Postal Service Response to Presiding Officer's Ruling No. C99-1/27 and Motion to Dismiss Complaint, September 19, 2002.

² *Id.*, Declaration of Leo J. Campbell, paras. 3 and 4.

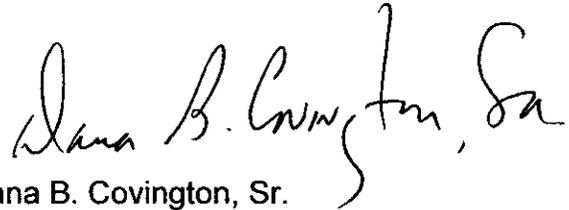
³ Response of United Parcel Service to United States Postal Service's Motion to Dismiss Complaint, September 26, 2002.

service previously in controversy, there appears to be no point in going forward with Docket No. C99-1.⁴

The facts provided by the Postal Service in Mr. Campbell's Declaration, together with the consensus of Complainant and other participants who commented, suggests that the pending Complaint in this proceeding is ripe for dismissal on the ground of mootness. Accordingly, I am certifying this question to the full Commission for its consideration and disposition pursuant to subsections 23(a)(7) and (a)(8) of the rules of practice. 39 C.F.R. § 3001.23(a)(7), (a)(8).

RULING

The question of the appropriateness of dismissal of the pending Complaint of United Parcel Service on the ground of mootness is certified to the Commission for its consideration and disposition.



Dana B. Covington, Sr.
Presiding Officer

⁴ Office of the Consumer Advocate Response to P.O. Ruling No. C99-1/27, September 26, 2002.