

ORDER NO. 1354

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

Experimental Periodicals  
Co-Palletization Dropship Discounts

Docket No. MC2002-3

ORDER ON POSTAL SERVICE MOTION  
FOR ESTABLISHMENT OF PROCEDURAL MECHANISMS  
AND REMAINING SCHEDULE

(Issued November 26, 2002)

Counsel for the Postal Service has filed, in the capacity of settlement coordinator, a motion seeking establishment of procedural mechanisms designed to expedite the remaining stages of this proceeding. It also has filed, as an attachment to the motion, a copy of the proposed Stipulation and Agreement. United States Postal Service Motion for Establishment of a Procedural Mechanism and Schedule Governing Further Proceedings in Light of Projected Settlement (November 22, 2002), Postal Service Motion. In support of its motion, the Postal Service notes that no participant has expressed an interest in seeking a hearing or identified any issues of material fact that would warrant a hearing, and represents that the settlement agreement has widespread support. Accordingly, it seeks issuance of a schedule setting deadlines for outstanding matters it deems useful or essential to completing the formal record in this case. Postal Service Motion at 2.

In addressing the Service's motion, the Commission preliminarily notes that unanimous or unopposed settlements clearly provide a strong basis for issuing a recommended decision that is aligned with the participants' positions; however, unanimity or across-the-board support is not a prerequisite to the Commission's consideration of, or reliance on, a settlement. It urges all participants to respect the instant settlement negotiations as a means of addressing the discrete experimental change the Service has proposed in this case.

The Commission further notes that the Service's proposed schedule effectively forecloses the Commission from sending an Opinion and Recommended Decision in this case (either adopting or rejecting the settlement) to the Governors in time for consideration at the December Board meeting. It had been the Commission's hope that its decision in this case could be issued in sufficient time to allow for its placement on December's published meeting agenda. However, the Commission appreciates the Service's efforts in coordinating the apparently successful settlement discussions in this case, and is pleased to accommodate the request for formalizing the proposed schedule in almost all respects. In doing so, however, it clarifies the scope of the round of comments the Service has proposed and makes a minor adjustment to the proposed deadlines. In particular, the Service has proposed scheduling submission of comments *in support of* the settlement for December 11, 2002 — two days after the proposed filing deadline for signature pages with the Commission. It proposes that Reply comments — presumably including comments endorsing or opposing comments on the settlement — be filed December 13, 2002.

This case addresses an important, but narrow, experimental classification change. It affects an important, but limited, population of mailers. Although this case was supposed to have been expedited, the pace appears to have allowed ample time for participants to develop a solid position on the proposal's merits.<sup>1</sup> As the Service has now filed the proposed settlement agreement, all participants will have had an adequate opportunity to review it and its implications well before the December 9, 2002 deadline for signing on to it, or deciding against doing so. Accordingly, the Commission concludes that it would be in the interest of all concerned to have comments in support of — as well as comments, if any, in opposition to material terms of the settlement — filed on December 9, 2002. With this adjustment, reply comments — strictly limited to addressing comments filed on December 9, 2002 — will be due December 13, 2002.

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<sup>1</sup> The Alliance of Nonprofit Mailers (ANM), for example, has filed comments with the Commission addressing its interest in cost saving opportunities for smaller publishers and printers. In particular, ANM notes that the questions in the Chairman's Information Request No. 1 (October 11, 2002) "urgently needed empirical answers." Comments of the Alliance of Nonprofit Mailers, November 7, 2002, at 2.

This adjustment better reflects the procedural posture of the case, allows slightly more time for those who might want to reply to comments, and incorporates a final deadline that coincides with the Service's proposed schedule.

### RULING

1. The United States Postal Service Motion for Establishment of a Procedural Mechanism and Schedule Governing Further Proceedings in Light of Projected Settlement (November 22, 2002), filed November 22, 2002, is granted, with the adjustments as to scope of comments and deadlines noted in the body of this order.
2. The Procedural Schedule attached to this ruling shall govern the remainder of this case.

By the Commission.

(S E A L)

Steven W. Williams  
*Secretary*

PROCEDURAL SCHEDULE  
*(for remaining steps in Docket No. MC2002-3)*

Designation of Direct Testimony and Written Cross-examination	December 4, 2002
Declarations Supporting Designated Direct Testimony, Interrogatory Responses and Responses to Chairman's Information Request No. 1	December 6, 2002
Signature Pages to the Stipulation and Agreement Returned to the Settlement Coordinator and Filed with Commission	December 9, 2002
Comments in Support of or in Opposition to Material Terms of the Settlement	December 9, 2002
Reply Comments	December 13, 2002