

ORDER NO. 1356

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

Before Commissioners:

George Omas, Chairman;
Dana B. Covington, Sr., Vice Chairman;
Ruth Y. Goldway; and Tony Hammond

Experimental Periodicals
Co-Palletization Dropship Discounts

Docket No. MC2002-3

ORDER ADDRESSING OUTSTANDING MOTIONS
AND CLOSING THE RECORD

(Issued December 20, 2002)

This order addresses two outstanding motions and several matters related to the record in this case. First, the Commission grants the Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Motion for Late Acceptance of their Comments on Proposed Settlement, December 10, 2002. No participant appears to have been prejudiced by the delayed filing.

Second, the Service asserted, at the outset of this case, its belief that information in its Compliance Statement (Attachment F to the Request), including material incorporated by reference from Docket No. R2001-1, satisfied the Commission's general filing requirements. However, in the event the Commission concluded otherwise or sought strict compliance, the Service filed an anticipatory motion seeking waiver of any portion of the rules deemed applicable. Motion of United States Postal Service for Waiver (Waiver Motion), September 26, 2002. There was no opposition to the Service's motion. See Commission Order No. 1347, issued October 2, 2002 (inviting comments on the Waiver Motion); Notice of Intervention and Support for Requests for Waiver of American Business Media, October 4, 2002; and

Office of the Consumer Advocate (OCA) Comments in Response to Order No. 1347, October 18, 2002.

The Commission agrees that in assessing compliance with the filing rules, substantial weight should be given to the nature of the proposed experiment and to its limited impact on costs, volumes and revenues. For these reasons, as well as the substantial overlap between the material provided in Docket No. R2001-1 and the information sought in the general filing rules, the Commission considers all pertinent requirements to have been satisfied. Accordingly, the Service's Waiver Motion is deemed moot.

Finally, the November 22, 2002 Stipulation and Agreement submitted by the Postal Service on behalf of all signatories provides, in Part II, Paragraph 2, that the following materials provide substantial evidence supporting and justifying a Commission recommendation in favor of the Service's proposal in this case: the Docket No. MC2002-3 direct testimony and materials filed in support of the Postal Service's Request and any written cross-examination or responses to Chairman's Information Requests, as revised and supplemented, that are designated before the closing of the record.

Pursuant to Commission Order No. 1354, Postal Service witness Taufique's response to RRD/USPS-T-1-1-2, the Revised Response of USPS Witness Taufique to Chairman's Information Request No. 1, November 21, 2002, including the Data Collection Plan attached thereto, and the direct testimony of Altaf H. Taufique were designated for inclusion in the record. See Office of the Consumer Advocate Designation of Written Cross-examination to United States Postal Service, December 2, 2002, and United States Postal Service Designation of Direct Testimony for Inclusion in the Record, December 4, 2002. On December 6, 2002, the Service filed the original declarations of witness Taufique supporting the authenticity of his direct testimony, designated interrogatory responses, and designated response to the Chairman's Information Request No. 1. The materials referenced in the Stipulation and Agreement, along with the Domestic Mail Classification Schedule provisions

attached thereto, are hereby entered into the record of this proceeding.¹ As all established deadlines for filing comments have passed, the evidentiary record is closed as of the date this order is issued.

It is ordered:

1. The Motion of United States Postal Service for Waiver (Waiver Motion), September 26, 2002, is deemed moot.
2. Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Motion for Late Acceptance of their Comments on Proposed Settlement, December 10, 2002, is granted.
3. Materials referred to in Part II, Paragraph 2 of the Stipulation and Agreement filed by the Postal Service on November 22, 2002, including all materials designated pursuant to Order No. 1354, and the DMCS provisions attached to the Stipulation and Agreement, are hereby entered into the evidentiary record of this proceeding.
4. The evidentiary record is closed as of the issuance date of this order.

By the Commission
(SEAL)

Steven W. Williams
Secretary

¹ The OCA notes that the referenced materials do not include the Request itself. OCA Comments on Stipulation and Agreement, December 9, 2002, at 9. The Commission finds that inclusion of the entire Request is not essential in this case, given the detail provided in witness Taufique's testimony and inclusion of the DMCS provisions attached to the Stipulation and Agreement.