

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

EXPERIMENTAL RATE AND SERVICE CHANGES
TO IMPLEMENT NEGOTIATED SERVICE AGREEMENT
WITH CAPITAL ONE SERVICES, INC.

Docket No. MC2002-2

**RESPONSE OF AMERICAN POSTAL WORKERS UNION, AFL-CIO
TO MOTION OF POSTCOM et al. TO SCHEDULE REBUTTAL TESTIMONY**

The American Postal Workers Union, AFL-CIO responds to the motion of Postcom *et al.* requesting a revised schedule allowing for submission of rebuttal testimony. The Union supports revising the schedule, however, the Commission should weigh two factors in determining how and when to proceed with the next phases of this case.

First, the Union does not know when the testimony of Dr. Panzar will be filed.

Second, testimony of Mr. Callow on behalf of the OCA proposing two experimental niche classifications is problematic. The Union believes that Mr. Callow's testimony is helpful in evaluating the merits of this NSA. However, the Union believes that the possibility that the Commission might recommend a niche-classification presents procedural problems. Such a change in course should require a general public notice and opportunity for additional parties to intervene. The decision about whether to intervene in an experiment with one mailer is certainly different than a decision to intervene in a niche classification. Any proposal for a new classification - even experimental - should meet the same procedural requirement as if the Service had originally proposed it. In this regard, the Union believes that even the granting of the Postcomm motion is insufficient. As a practical matter, both sponsors of the original NSA would likely reject the replacement of the NSA with niche classifications. But more importantly, a recommendation in favor of the niche classifications might lead to unintended consequences and procedural questions regarding due process that should be carefully considered before such a precedent is set.

The American Postal Workers Union, AFL-CIO recommends that the Commission avoid procedural complications and declare that Mr. Callow's testimony proposing two niche classifications is accepted for the limited purpose of evaluating the merits of the NSA. With removal of this issue, the Union believes the Commission can and should set a schedule to allow rebuttal testimony, including any responses to Dr. Panzar's testimony, and conclude the case in an expeditious manner.

Respectfully submitted,

Phillip Tabbita
Mgr Negotiation Support & Special Projects
American Postal Workers Union, AFL-CIO

CERTIFICATION

I hereby certify that I have this date served the foregoing document in accordance with the rules of practice

Phillip Tabbita
Mgr Negotiation Support & Special Projects
American Postal Workers Union, AFL-CIO
1300 L ST NW
Washington, DC 20005-4128
(202) 842-4273
(202) 371-0992 Fax
January 8, 2003