

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

CUSTOMIZED MARKET MAIL MINOR
CLASSIFICATION CHANGES

Docket No. MC2003-1

**UNITED STATES POSTAL SERVICE REQUEST FOR EXPEDITION
AND ESTABLISHMENT OF SETTLEMENT PROCEDURES**
(March 14, 2003)

Pursuant to sections 21 and 69 of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby requests that the Commission expedite this proceeding.

Expediting this proceeding would be reasonable. The proposed classification changes are straightforward and of a limited scope. Specifically, the Postal Service is proposing to expand eligibility for certain types of nonrectangular shapes that are currently not mailable under existing provisions of the Domestic Mail Classification Schedule (DMCS). Such pieces would be limited to the basic nonletter rate categories in the Regular and Nonprofit subclasses. No new rates or surcharges are proposed for this matter. Minor proposed clarifications are inserted throughout the classification schedule to limit the eligibility of nonrectangular shapes.

As explained in the testimony of witnesses Ashe (USPS-T-1) and Hope (USPS-T-2), and in the Postal Service's Request, the proposal involves minor changes to the DMCS and the addition of new footnotes to Rate Schedules 321A and 323A for Standard Mail. Moreover, the proposed changes would not have a significant effect on the Postal Service's overall volumes, revenues, and costs.

The Postal Service also believes that there is a distinct possibility of settlement in this case. Information exchanges by the Postal Service with potential participants indicate widespread support for the proposal. Given that the proposal is likely to appeal to highly targeted mailings, it should have no adverse effect on other mailers or competitors. Thus, there is a substantial possibility for settlement.

Thus, the Postal Service requests that this proceeding be conducted on an expedited schedule. Although the Postal Service does not request a specific schedule, it does suggest a number of procedures that might be followed with the end of facilitating a swift resolution.¹

First, the Postal Service suggests that the Commission issue an order on whether the request should be considered as minor in nature well before the close of the 28-day period within which it must issue such an order under section 69c(f) of the Commission's Rules of Practice and Procedure. The likelihood of interested parties being surprised by, and therefore unprepared for, quick intervention in this proceeding appears low. The change affects users of only one class of mail, who generally have been informed about the development of this proposal.

Second, the Postal Service requests that a settlement conference be scheduled as quickly as possible following the deadline for intervention. Reaching a settlement promptly will obviate most, if not all, subsequent procedural steps.

¹ Section 69c of the Commission's Rules of Practice and Procedure allows for issuance of a recommended decision *no later* than 90 to 120 days from the date of the filing of the Request. The language of this rule does not in any way prevent the Commission from affording even more expedited consideration.

Third, if any discovery is found to be necessary, the time allotted for discovery on the Postal Service's case should be abbreviated. Discovery should be limited to those matters bearing directly on the proposed classification changes. The time limits for responding to discovery requests and related objections and motions should be shortened. With only two pieces of testimony, no workpapers, and only one substantive library reference, abridged and expedited discovery should not be an issue.

Finally, in the interest of securing quick resolution, the Postal Service urges the Commission to require parties opting to request oral cross-examination to state not only "the issues of material fact that require a hearing for resolution," as required under section 69b(h), but also to make a compelling case that oral cross-examination is necessary precisely because the information to be elicited through oral cross-examination could not otherwise be obtained through written discovery.

As the case progresses, other procedures may also be eliminated. For example, if hearings are not held and discovery is very light, then there may be no need for any testimony by intervening parties, or rebuttal by the Postal Service. It may also be possible to dispense with briefs and oral argument.

The minimal changes embodied in the Postal Service's Request should lend themselves to an expeditious and uncomplicated review. In light of this, and of the flexibility envisioned by the minor classification change rules, the Postal Service respectfully requests that the Commission adopt the measures outlined above to

expedite this proceeding.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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