

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

**JOINT MOTION OF THE UNITED STATES POSTAL SERVICE,  
CAPITAL ONE SERVICES, INC, AND  
THE OFFICE OF THE CONSUMER ADVOCATE  
FOR CONSIDERATION OF THE STIPULATION AND AGREEMENT  
AS THE BASIS FOR RECOMMENDED DECISION  
(March 31, 2003)**

The United States Postal Service, Capital One Services, Inc., and the Office of the Consumer Advocate hereby jointly move that the Commission base its recommended decision in this docket on the Stipulation and Agreement filed herewith, in accordance with 39 U.S.C. §§ 3622 and 3623. These participants have been actively engaged in settlement negotiations, as reported to the Commission on March 13. The negotiations have concluded successfully, as reflected in the Stipulation and Agreement, its attachments, and related documents being filed today. These documents are being circulated to all intervenors and further signatories are expected.<sup>1</sup>

As a result of the settlement, a footnote would be added to the proposed DMCS to indicate the ability of other mailers to propose, have considered, and negotiate NSAs comparable to the Capital One NSA, as specified by the Postal Service.

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<sup>1</sup> Parties who wish to sign the Stipulation and Agreement should file their signature page directly with the Commission with an appropriate notice. All parties are kindly requested to inform undersigned counsel as soon as possible as to whether they are signing the Stipulation and Agreement, not signing but not opposing, or opposing.

Implementing regulations would be issued by the Postal Service to describe the required features of a comparable agreement as well as factors that will be evaluated. The regulations would also provide a process for a mailer seeking an NSA comparable to the Capital One NSA, including an opportunity for reconsideration should negotiations fail. In addition, the Postal Service agrees to provide annual reports on requests for comparable NSAs and their status. The settlement also provides for a revised data collection plan for the Capital One NSA itself.

The OCA has agreed to withdraw its alternative classification and rate proposal. The OCA no longer supports its alternative proposal and believes that the Commission should recommend the revised DMCS language to implement the Capital One NSA under the terms of the Stipulation and Agreement. The OCA believes that the Stipulation and Agreement addresses the issues and concerns it raised in its case-in-chief and in rebuttal to the Postal Service's direct case.

For these reasons and those set forth in related documents filed today and in briefs to be filed in accordance with the procedural schedule, the joint movants ask the Commission to base its recommended decision on the Stipulation and Agreement filed today in this docket.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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March 31, 2003

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

Scott L. Reiter

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March 31, 2003