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

PERIODIC REPORTING) Docket No. RM2003-3

OPPOSITION OF THE ASSOCIATION OF PRIORITY MAIL USERS, INC.
TO THE JUNE 6, 2003 MOTION OF UNITED STATES POSTAL SERVICE
FOR FURTHER EXTENSION OF TIME TO FILE COMMENTS
(June 20, 2003)

The Association of Priority Mail Users, Inc. ("APMU") opposes a fourth delay in the Postal Service's submission of comments in a Commission docket that was begun over five months ago — where the comments originally were due over four months ago and the reasons for further delay clearly are insufficient — for the reasons more fully set out below.

Procedural Setting

The Commission issued Order No. 1358, Notice of Proposed Rulemaking to Revise the Commission's Periodic Reporting Rule, on January 8, 2003. The proposed amendments reflect the Commission's perceived need: (i) to update the periodic reporting rules to reflect changes since their adoption in the 1980's; (ii) "to make the information provided more complete, so that trends in operating results can be better analyzed and evaluated;" and (iii) "to make the material provided easier to use, by obtaining it in an electronic format."[1] According to Order No. 1358, interested persons were to submit comments on the Proposed Rulemaking on or before February 10, 2003.

On February 10, 2003, the Postal Service submitted Initial Comments to the Commission, requesting an informal conference with Commission staff before it submitted

[1] Postal Rate Commission Order No. 1358, Notice of Proposed Rulemaking to Revise the Commission's Periodic Reporting Rule, RM2003-3, at 1 (January 8, 2003).

complete comments on the proposed periodic reporting rule amendments. The Commission agreed to a delay and issued Order No. 1360 on February 12, 2003, authorizing the scheduling of an informal technical conference. On March 5, 2003, the Commission issued Order No. 1361 implementing the delay by deferring the date for the Postal Service to file its comments pending the outcome of the technical conference on March 11, 2003. In Order No. 1363, issued March 14, 2003, the Commission set an April 3, 2003 due date for the Postal Service's comments. (First Extension.)

One day before these were due, on April 2, 2003, the Postal Service filed a motion for an extension of time to file its comments because "a variety of factors, including the technical nature of the issues and the schedules of key staff, officers, and the Board of Governors, have impeded full and expeditious consideration of the proposed rules at the necessary levels of management."[2] In Order No. 1367, issued April 8, 2003, the Commission granted the additional delay requested by the Postal Service, extending the due date for filing comments until May 9, 2003. (Second Extension.)

On May 8, 2003, again one day before the extended due date, the Postal Service filed a two-sentence motion for a further extension of time to file its comments, to allow for further consideration of the proposed rules by the Board of Governors. In Order No. 1371, issued May 19, 2003, the Commission granted the additional delay requested by the Postal Service, extending the due date until June 9, 2003. (Third Extension.)

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[2] Motion of the United States Postal Service for Extension of Time to File Comments, RM2003-3, at 2 (April 2, 2003).

On June 6, 2003, the Postal Service filed the pending Motion for Further Extension of Time to File Comments, requesting that the date for submitting its comments be further extended to late August 2003, the month after the President's Commission on the United States Postal Service is expected to issue its recommendations concerning the future of the Postal Service and the Postal Rate Commission. (Pending Fourth Extension.)

Discussion

APMU urges the Commission to deny the June 6, 2003 Motion of the United States Postal Service for Further Extension of Time to File Comments. The only reason advanced by the Postal Service is the pendency of work by the President's Commission on the United States Postal Service, which is scheduled to deliver its report by the end of July. The Postal Rate Commission should not wait for the recommendations of the President's Commission. It is not known if recommendations of the President's Commission will ever deal with the technical Postal Rate Commission rules requiring Postal Service periodic reporting, the issues pertinent to this rulemaking. Moreover, any recommendations may take years to implement by Congress, or may never be implemented at all. The Postal Service's current request for an extension of time to file its comments was filed on June 9, 2003, even though the President's Commission then had been in existence for almost six months (since December 11, 2002, Presidential Executive Order No. 13278), and the Postal Service's three previous motions for extension did not even mention the President's Commission. The Postal Service's current request for a fourth extension of time is without merit.

APMU agrees with the Commission's observations that the deliberations of the President's Commission actually may be assisted by a Postal Service response to the Commission's proposal.[3]

Government Accounting Office documents identify numerous instances where the Postal Service needs to improve its financial transparency.[4] The desire to delay responding to the Commission's proposal could be considered further evidence of the problems addressed by GAO. Any arguments that the Postal Service chooses to raise against any of the Commission's proposals should be articulated in its comments. The Commission should move forward with this rulemaking to consider amendments to the periodic reporting rule, as well as the Postal Service's comments, without further delay.

For the foregoing reasons, APMU urges the Commission to deny the June 6, 2003 Motion of the United States Postal Service for Further Extension of Time to File Comments.

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[3] Postal Rate Commission Order No. 1375, Order Lengthening the Time for Answers to the Postal Service Motion to Further Extend, at 2 (June 12, 2003).

[4] *See* U.S. General Accounting Office, U.S. Postal Service Actions to Improve Its Financial Reporting, GAO-03-26R, at 1-4, 13-14 (Washington, D.C.: November 13, 2002); U.S. General Accounting Office, Performance and Accountability Series U.S. Postal Service, GAO-03-118, at 30-32 (Washington, D.C.: January 2003); and U.S. General Accounting Office, Testimony before the President's Commission on the United States Postal Service, U.S. Postal Service Key Transformation Issues, GAO-03-812T, at 8-9 (Washington, D.C.: May 29, 2003).

Respectfully submitted,

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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.

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William J. Olson

June 20, 2003