

**BEFORE THE
POSTAL RATE COMMISSION**

PERIODIC REPORTING

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DOCKET NO. RM2003-3

**ANSWER OF UNITED PARCEL SERVICE TO
MOTION OF UNITED STATES POSTAL SERVICE
FOR FURTHER EXTENSION OF TIME TO FILE COMMENTS
(June 20, 2003)**

United Parcel Service opposes the Motion of the United States Postal Service for Further Extension of Time to File Comments (June 6, 2003) ("Postal Service Motion") in this rulemaking proceeding.

The Postal Service's request to delay yet again the progress of this proceeding seems to be based primarily on its view that "its comments will lack an important context, if they are presented prior to knowledge of the . . . recommendations [of the President's Commission on the United States Postal Service]." Postal Service Motion at 3. Whether the Presidential Commission's report will change the "context" for this Commission's consideration of the Postal Service's obligation to periodically make available important information that is now made public only when the Postal Service chooses to file a rate case is speculative and largely irrelevant. Whatever the Presidential Commission recommends, those recommendations may undergo substantial change during the (usually extended) legislative deliberative process. More important, as the Office of the Consumer Advocate points out,

“The Postal Service’s views on the desirability of the proposed rules should be independent of the views of the Presidential Commission. If the Presidential Commission’s recommendations ultimately do relate to the extent or burden of the proposed rules, the Rate Commission is capable of taking those recommendations into account.”

Office of the Consumer Advocate Answer in Opposition to Postal Service Motion for Further Delay (June 13, 2003) at 3.

Unless and until the statute is amended or repealed, this Commission, and not the Postal Service, remains the arbiter of what information it needs to fulfill its statutory responsibilities; the work of the Commission cannot stand still because Congress may some day ultimately decide otherwise.

The Postal Service also states that the proposed rules have “evoked a significant dialogue within the Postal Service” and that “the President’s Commission’s report is likely to stimulate, and perhaps reorient the internal [Postal Service] debate over the [proposed] amendments.” Postal Service Motion at 2, 3. But the Postal Service has already been given sufficient extra time to formulate its views on whether the proposed rules should be adopted, and it can request an opportunity to supplement its views should there be any developments that justify additional comments. In the meantime, the Commission should not be paralyzed by future possibilities that cannot be known and that it cannot control. Instead, it should continue to act expeditiously in meeting its obligations to the American public.

WHEREFORE, United Parcel Service respectfully submits that the Motion of United States Postal Service for Further Extension of Time to File Comments should be

denied, and the United States Postal Service should be directed to provide its comments on the proposed rules by June 30, 2003.

Respectfully submitted,

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