

Before The
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Rate and Service Changes to Implement)
Functionally Equivalent Negotiated Service) Docket No. MC2004-3
Agreement with Bank One Corporation)

OFFICE OF THE CONSUMER ADVOCATE
MOTION FOR AN EXTENSION TO SEPTEMBER 3, 2004
TO REQUEST HEARING
(August 18, 2004)

In his Ruling No. MC2004-3/2,¹ the Presiding Officer directed participants to inform him whether a hearing would be necessary in the instant proceeding. In the last two days the Office of the Consumer Advocate (OCA) has participated in informal discussions with counsel for the Postal Service and Bank One. One of the chief topics for discussion was whether and when the Postal Service would be able to respond more fully to interrogatories OCA/USPS-T1-44 and –45, and to –50, which requested new financial analyses for J.P. Morgan Chase. Both the Postal Service and Bank One have been very cooperative in discussing approaches for answering the interrogatories and acting as quickly as possible to supply answers.

Since OCA must await these new analyses, we are still unable to state definitively whether a hearing will be necessary. It would be unfortunate to be forced to request a hearing at the present time, only to find that the answers to interrogatories 44, 45, and 50 were sufficient to develop the record. It is preferable for OCA to review the answers (which we have been informed will be provided informally early in the week of

August 30) and then apprise the Commission of the need for a hearing. Counsel for the Postal Service and Bank One have advised OCA that they support the instant request for an extension of time. The Postal Service and Bank One also agree that, if this proceeding is decided without a hearing, the 60-day deadline for a Commission decision under Rule 196(d)(1) may be extended pro tanto by the number of days that elapse between today and the date on which OCA receives the further answers to interrogatories 44, 45 and 50.

Wherefore, OCA respectfully requests an extension of time, to September 3, 2004, to inform the Presiding Officer of the need for a hearing.

Respectfully submitted,

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¹ "Presiding Officer's Ruling in Regard to Limitation of Issues," issued August 13, 2004 (Ordering Paragraph 1).