

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

EXPERIMENTAL PRIORITY MAIL FLAT-RATE
BOX, 2004

Docket No. MC2004-2

MOTION OF UNITED STATES POSTAL SERVICE
FOR ESTABLISHMENT OF FINAL PROCEDURAL STEPS
(August 19, 2004)

This docket is rapidly proceeding to its conclusion.¹ As such, establishment of various due dates, described below, would facilitate timely completion of the evidentiary record.

A Stipulation and Agreement² has been filed with signature pages submitted by all but two participants.³ In conformity with paragraph 4 of the Agreement, the Office of the Consumer Advocate submitted comments supporting issuance by the Commission of a recommended decision that relies upon the Agreement.⁴

All pending interrogatory responses have been provided, including the compelled responses to DBP/USPS-T2-13, 19.⁵ Deadlines for any timely motions to compel responses have come and gone,⁶ with one exception.

¹ In light of the developments described herein, this motion is submitted in lieu of a bi-weekly status report on settlement.

² The Stipulation and Agreement (hereafter "Agreement") was attached to *Motion of the United States Postal Service for Consideration of the Stipulation and Agreement as the Basis for Recommended Action* (August 10, 2004). No opposition to this motion was filed within the period provided by Rule 21.

³ The exceptions are Messrs. Popkin and Carlson; based on communications with them, counsel does not currently expect that additional signature pages will be submitted. However, counsel has no current basis for expecting active opposition.

⁴ *Office Of The Consumer Advocate Comments In Support Of Motion Of The United States Postal Service For Consideration Of The Stipulation And Agreement As The Basis For Recommended Decision* (August 18, 2004).

⁵ Presiding Officer's Ruling MC2004-2/2, which compelled these responses, also allows seven days for "follow-up limited strictly to the materials filed ..." POR MC2004-2/2, at 2. While follow-up questions are certainly possible, the cover sheet to those responses indicates that updates to those materials will not be available any time soon.

⁶ Recent Postal Service objections, and their filing dates, for which no motion to compel followed, pertained to OCA/USPS-T1-29-30 (July 16, 2004), and OCA/USPS-T2-24 (July 27, 2004).

POR MC2004-2/5 ruled on all but three outstanding motions. Action by the presiding officer on the motion to compel responses to DBP/USPS-7-9 is ripe, with the filing yesterday of a response to that motion. The remaining two outstanding motions are the one associated with the Agreement, and this pleading. In conformity with discussion at the prehearing conference (tr., at 6-10), no participant has requested a hearing.

The Postal Service is aware and grateful that the Commission has encouraged cooperation among participants that led to successful conclusion of the Agreement. This period also permitted the Postal Service to engage the two participants who have not signed the Agreement and make some progress in addressing their concerns.

The Postal Service now respectfully moves that it is time to establish final procedural steps, including due dates for the submission of designations and witness declarations. These could both be within the next week.⁷ Due dates for initial and reply briefs would also appear to be warranted.

In the event the Commission continues to act with expedition and issues a favorable recommendation, and the Governors and Board of Governors also do so, Priority Mail flat-rate boxes may yet be available to customers prior to this year's holiday parcel mailing season.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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⁷ A date for supplemental designations may also be appropriate if proper follow-up to the responses to DBP/USPS-T2-13 and 19 is filed.