

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

Rate and Service Changes to Implement)
Functionally Equivalent Negotiated)
Service Agreement with Bank One)
Corporation)

Docket No. MC2004-3

OFFICE OF THE CONSUMER ADVOCATE
STATEMENT CONCERNING THE NEED FOR A HEARING
(September 2, 2004)

In settlement discussions with the Postal Service and Bank One Corporation (Bank One), the Office of the Consumer Advocate (OCA) made a commitment to review answers to discovery that would be filed on September 1, 2004, and make an immediate determination whether OCA would require additional procedures to develop the evidentiary record beyond evidence submitted in response to discovery requests. Presiding Officer's Ruling No. MC2004-3/3 set September 3 as the deadline for filing a notice of OCA's determination.

The OCA no longer requests a hearing. OCA has concluded that there is now sufficient evidence in the record to perform a financial analysis of the Bank One Negotiated Service Agreement (NSA). OCA believes that it can now proceed to the initial brief stage at which time OCA will state its position on the Bank One NSA and

support its position based on legal and policy arguments as well as the testimony and discovery responses submitted by the Postal Service and Bank One.

Respectfully submitted,

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