

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

POSTAL RATE AND FEE CHANGES
PURSUANT TO PUBLIC LAW 108-18

Docket No. R2005-1

MOTION OF THE UNITED STATES POSTAL SERVICE
REQUESTING WAIVER OF THE COMMISSION RULES
WITH RESPECT TO CATEGORY 5 LIBRARY REFERENCES
(April 8, 2005)

Since the last case, as a result of new provisions adopted in the roadmap rulemaking (Docket No. RM2003-1), the alternate cost information provided by the Postal Service is submitted under Rule 53, rather than under Rule 54(a)(1). Nonetheless, the mechanism by which such material is provided remains a series of Category 5 library references. As in previous dockets, these library references are not associated with the testimony of any witness, and no Postal Service witnesses will attest to the accuracy or validity of their contents.

The Category 5 library references are:

- | | | |
|---|--------------|--|
| 5 | USPS-LR-K-93 | PRC Version/Base Year 2004 CRA Model, Data Files, and Reports (CD-ROM) |
| 5 | USPS-LR-K-94 | PRC Version/Base Year 2004 CRA Model Reports |
| 5 | USPS-LR-K-95 | PRC Version/Rollforward Model and Data Files |
| 5 | USPS-LR-K-96 | PRC Version/Rollforward Output |
| 5 | USPS-LR-K-97 | PRC Version/Rollforward Expense Factors |
| 5 | USPS-LR-K-98 | PRC Version/Development of Piggyback and Related Factors |

5	USPS-LR-K-99	PRC Version/Mail Processing Unit Costs by Shape
5	USPS-LR-K-100	PRC Version/MODS-Based Costing, Description of Spreadsheets and SAS Programs
5	USPS-LR-K-101	PRC Version/Development of Delivery Costs by Rate Category for First-Class and Standard Mail
5	USPS-LR-K-102	PRC Version/Flats Mail Processing Cost Models
5	USPS-LR-K-103	PRC Version/Parcels Cost Models
5	USPS-LR-K-104	PRC Version/ Supporting Materials for Cost of Business Reply Mail, Miscellaneous Fees and Pickup Service
5	USPS-LR-K-105	PRC Version/Delivery Confirmation, Signature Confirmation, and Return Receipt Costs
5	USPS-LR-K-106	PRC Version/Development of Window Service Costs by Shape
5	USPS-LR-K-107	PRC Version/Development of ECR Mail Processing Saturation Savings
5	USPS-LR-K-108	PRC Version/Periodicals Pallet Cost Analysis
5	USPS-LR-K-109	PRC Version/Bound Printed Matter Mail Processing Costs and Parcel Post Window Service Costs
5	USPS-LR-K-110	PRC Version/Test Year Letter/Card Processing Cost Models (First-Class, Standard, and Nonmachineable Surcharge)
5	USPS-LR-K-111	PRC Version/Special Service and Express Mail Costs, and Final Adjustments

- | | | |
|---|---------------|--|
| 5 | USPS-LR-K-112 | PRC Version/Dropship Cost Avoidances for Standard Mail and Periodicals |
| 5 | USPS-LR-K-113 | PRC Version/Parcel Post and Bound Printed Matter Transportation Costs, and Development of Costs for Bulk Parcel Return Service |
| 5 | USPS-LR-K-114 | PRC Version/Price Index |

By separate pleading, the Postal Service has submitted with its Request a notice regarding the master list of library references included with the filing. The instant motion is a request for waiver, where necessary, of the Commission's procedures governing library reference practice, with respect to the Category 5 (Disassociated Material) library references listed above. Specifically, the Postal Service requests that to the extent that it could be argued that its filing does not actually or substantially comply with all of the requirements of Rule 31(b)(2) with respect to the above Category 5 library references, that those requirements be waived.

The intended primary purposes of the revisions to Rule 31(b)(2) are to limit library references to appropriate circumstances and categories of material, and to insure that adequate information is provided to identify the contents of library references and to indicate how they relate to the case. See Order No. 1263 at 3. The Postal Service submits that, in the context of its Category 5 library references, these purposes are achieved by virtue of the past practice regarding these types of library references, and by the information included on the master list, within this motion, and within the library references themselves. Specifically, the nature of Category 5 library references is such

that there has not in the past been any issue that these materials are appropriately filed as library references. Moreover, there appear to be no viable alternative means to file them other than as library references, and there is no apparent need for the filing of a separate notice for each library reference, as might otherwise appear to be required by Rule 31(b)(2)(iv).

While there may have been earlier instances of the submission of material in rate cases from which the submitting party wished to be disassociated, the need for separate recognition of the unique role of this type of material in a rate cases first became clear in Docket No. R97-1. That proceeding was the first which followed promulgation of new language within Rule 54(a)(1) which requires the Postal Service to present an alternative cost presentation applying the costing methodologies used by the Commission in the immediately preceding rate case. The position taken by the Postal Service in the rulemaking leading to that requirement had been that if the Postal Service were to be required to furnish the results of costing methodologies which it believes to be analytically inferior to those sponsored by its expert witnesses, it should be allowed to do so in such a way that no party wishing to rely on those results could claim that the Postal Service had provided the evidentiary basis to do so. As Rule 31 states that a document may be submitted as a library reference without conferring any evidentiary status upon it, library references were the natural vehicle by which such alternative costing material could be made available while protecting the due process interests of the Postal Service. That practice was followed in Docket Nos. R97-1, R2000-1, and R2001-1, to the apparent satisfaction of all concerned. On that basis, it follows in this

case that reference to, identification of, and use of these materials will be facilitated if they are filed as Category 5 library references.

The intent of this motion for waiver is to allow disassociated materials to be handled in this case with procedures essentially equivalent to those under which they were successfully handled in the last case. What that boils down to, as a practical matter, is a waiver of any requirement that a separate notice be filed for each Category 5 library reference. Such a waiver is justified because, from the information in the master list and in this motion, parties will have no difficulty recognizing Category 5 library references as such. Parties should be generally aware that this material, as alternative Commission versions of material presented by postal witnesses, tends to be prepared by the same individuals and organizations that prepare the Postal Service versions. Parties should also be aware that this material has no relationship to the case prepared by the Postal Service, but instead was previously provided to comply with Rule 54(a)(1), and now serves the same function with respect to new Rule 53(c). Moreover, because these library references are fundamentally an update of the Commission's cost model (or similar material) from the previous case, parties should be familiar with the general structure and format of the presentation, and how the various components interrelate. Overall, given these features of Category 5 material, separate notices would provide little, if any, useful additional information beyond that which is already known.

In terms of other purposes of the new rules, all Category 5 library references will already include, or consist entirely of, electronically-formatted material. Many also include a preface or summary, or parallel a Postal Service version library reference

which includes such a preface or summary. Lastly, each of the Category 5 library references should be labeled in accordance with proper notation standards.

Wherefore, for all of the above reasons, the Postal Service respectfully requests that to whatever extent it could be argued that its filing does not actually or substantially comply with all of the requirements of Rule 31(b)(2) with respect to the above Category 5 library references, that those requirements be waived.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorney:

Eric P. Koetting

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.

Eric P. Koetting

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2992; Fax -5402
April 8, 2005