

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

UNITED STATES POSTAL SERVICE RESPONSE TO
OFFICE OF THE CONSUMER ADVOCATE ANSWER IN PARTIAL OPPOSITION TO
UNITED STATES POSTAL SERVICE MOTION FOR WAIVER AND PROTECTIVE
CONDITIONS FOR LIBRARY REFERENCE REGARDING FEDEX
TRANSPORTATION AGREEMENT
(May 3, 2005)

The United States Postal Service hereby responds to the Office of the Consumer Advocate's May 3, 2005 answer ("OCA Answer"), to its April 8, 2005 motion for waiver and for protective conditions with respect to USPS-LR-K-85, Calculation of FedEx Variability, a category 2 library reference sponsored by witness Nash (USPS-T-17) ("USPS Motion"). In its motion, the Postal Service stated that this library reference "includes costs and other data associated with the transportation agreement between the Postal Service and Federal Express ('FedEx')." USPS Motion at 1. At no time did the Postal Service state that this library reference included a copy of the FedEx transportation agreement, itself, or any addenda thereto.

The Postal Service included with its motion an attachment that included proposed protective conditions, USPS Motion at Attachment A, and pointed out that "[s]imilar conditions were granted by the Commission in Docket No. R2001-1 for FedEx data. See Presiding Officer's Ruling No. R2001-1/5 (October 31, 2001)." USPS Motion at 2. Attachment A was copied from the conditions which the Postal Service proposed in Docket No. R2001-1. We overlooked the fact that the Commission omitted one

paragraph (paragraph 2) from the proposed conditions when it issued POR No. R2001-1/5, referenced above, granting the protective conditions. In its Answer, OCA objects to including paragraph 2 in the protective conditions in the instant docket. OCA Answer at 2-3.

The Postal Service has no objection to the Commission striking paragraph 2, as it did in Docket No. R2001-1, and issuing the same protective conditions that it issued in that case. Counsel in this docket simply neglected to exclude the paragraph the Commission had not adopted in Docket No. R2001-1, and is not proposing that the Commission's determination be reconsidered.

It appears from OCA's Answer that OCA is under the impression that USPS-LR-K-85 contains the FedEx transportation agreement. OCA Answer at 1-3. Such is not the case.

OCA appears to believe that review of the transportation agreement is necessary in this docket. OCA Answer at 1-3. In order to respond to OCA's concerns, the Postal Service would like to point out that a redacted version of the FedEx transportation agreement was filed in Docket No. R2001-1 as USPS-LR-J-97. In addition, the Postal Service today is filing a category 3 library reference containing similarly redacted versions of the two addenda to the FedEx Transportation Agreement that were in effect during the base year, and discussed by witness Nash (USPS-T-17).

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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May 3, 2005

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.

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