

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

RATE AND SERVICE CHANGES TO IMPLEMENT )  
BASELINE NEGOTIATED SERVICE AGREEMENT )  
WITH BOOKSPAN )

Docket No. MC2005-3

RESPONSE OF VALPAK DIRECT MARKETING SYSTEMS, INC. AND  
VALPAK DEALERS' ASSOCIATION, INC. TO  
THE OFFICE OF THE CONSUMER ADVOCATE'S  
NOTICE AND PROPOSED BRIEFING SCHEDULE  
(October 31, 2005)

On Monday, October 24, 2005, the Office of the Consumer Advocate ("OCA")  
unexpectedly filed a Notice of Decision Not to File a Direct Case.

In that filing, the OCA moved to close the record in this docket. Valpak Direct  
Marketing Systems, Inc. and Valpak Dealers' Association, Inc. ("Valpak") agrees that the  
record should be closed at this time.

Also in that filing, the OCA suggested highly expedited dates for the filing of initial and  
reply briefs, November 10 and November 21, 2005, respectively. Valpak opposes the briefing  
dates proposed by the OCA, for the following reasons.

Presiding Officer's Ruling No. MC2005-3/10 established October 24, 2005 as the date  
for filing the case-in-chief of participants, including the OCA. That Ruling also established  
briefing deadlines in January 2006: initial briefs being due January 6, 2006, and reply briefs  
due January 13, 2006, at the earliest — if there was no surrebuttal testimony by the co-  
proponents.

The OCA's Notice of Decision Not to File a Direct Case was filed on the date that the  
case-in-chief of participants was due. This notice came as a surprise in view of the general

understanding that the OCA had been planning on filing testimony. Accordingly, Valpak has been operating on the assumption that written discovery on the OCA's testimony would be conducted during November 2005, not briefing.

Valpak does not believe that it could prepare competent briefs on the important issues presented by the proposal in this docket if the Commission were to adjust the procedural schedule to the OCA's suggested dates, which would advance the briefing schedule nearly two full months sooner than had been expected.

Accordingly, Valpak urges that any revised briefing schedule give the parties adequate time to prepare their filings so they can provide the Commission with helpful briefing and, specifically, that the deadline for initial briefs be set for a date not less than 21 days from the date of the Presiding Officer's Ruling establishing a new schedule, with reply briefs due not less than seven days, and preferably 10 days, thereafter. Such a schedule would still result in the disposition of this case well before the date previously anticipated by the Postal Service and the co-proponent.

Respectfully submitted,

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