

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

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

RESPONSE OF THE UNITED STATES POSTAL SERVICE TO  
OCA MOTION FOR EXTENDED PERIOD OF DISCOVERY  
(June 22, 2006)

In response to Order No. 1464, the Postal Service suggested that discovery against its direct case conclude as of July 12, 2006.<sup>1</sup> This discovery period would be congruent with the discovery period allowed in Docket No. R2000-1 (70 days), the most recent conventional omnibus rate case that was not settled.<sup>2</sup> On June 15, 2006, the day prior to the Prehearing Conference, the Office of the Consumer Advocate (OCA) filed a motion asking for an extended 90-day discovery period that would end August 2, 2006.<sup>3</sup> At the Prehearing Conference, several parties, including the Postal Service,

---

<sup>1</sup> Suggestion of the United States Postal Service Regarding Schedule Dates, Docket No. R2006-1 (June 7, 2006).

<sup>2</sup> In a pleading filed June 20, 2006, the Association for Postal Commerce states that following the experience of Docket No. R2000-1 would “suggest discovery ending during the last week in July.” Reply to the June 15, 2006 Motion of the Office of the Consumer Advocate, Docket No. R2006-1, at 1 (June 20, 2006). The procedural schedule for that case, however, shows that discovery against the Postal Service’s direct case ended March 23, 2000, 70 days after filing. As noted below, Docket No. R2000-1 was in some respects unconventional. After its initial filing, the Postal Service filed or was directed to file additional data and testimony, for which later discovery dates were established. These included additional testimony on Periodicals costs, as well as information intended to “update” the record with a new Cost and Revenue Analysis and more current financial information.

<sup>3</sup> Office of the Consumer Advocate Motion for Extended Period of Discovery, Docket No. R2006-1 (June 15, 2006)(OCA Motion). In its reply, PostCom suggests an alternative deadline of July 28. PostCom Reply at 2. For the reasons expressed below, the Postal Service does not believe that a discovery period only four days shorter than proposed by the OCA would be a material, or acceptable improvement. Similarly, the “split the

commented on the schedule. Tr. 1/31-43. The Postal Service hereby reiterates and supplements its comments at the Prehearing Conference opposing extended discovery.

The OCA's motion rests on three basic points: 1) the Postal Service has made several significant proposals in Docket No. R2006-1 that require careful scrutiny and understanding; 2) other cases have been and are currently demanding the attention of participants; and 3) the consequences of the instant proceeding will be of heightened importance, if pending postal reform legislation is enacted. The Postal Service does not strongly disagree with any of those observations. We believe, however, that none of them warrant the conclusion that this case should depart dramatically from the experience of prior cases, in scheduling the important work that must be accomplished within the ten months permitted by statute. As noted at the Prehearing Conference, scheduling in an omnibus case tends to be a zero-sum game. The Presiding Officer can expand one phase of the proceeding only at the expense of the others. In this context, the reasons offered by the OCA to permit expanded discovery against the Postal Service weigh as heavily against that result as for it. For example, the OCA's first and third points (significant proposals, heightened importance in light of pending reform) could justify a shorter discovery period, because the enhanced likelihood that some intervenors will put forth alternative proposals that other intervenors will actively oppose means that extra time is likely to be required for phases two and three of a typical omnibus case.

Much has been said prior to the filing of Docket No. R2006-1, and since, portending a proceeding of great complexity. The Postal Service has proposed distinct

---

difference" proposals of a ten day extension advocated by several counsel at the Prehearing Conference would have the same infirmities discussed below.

rate increases for each subclass of mail and all special services and has proposed several significant classification changes. By contrast, Postal Service proposals in the most recent case (Docket No. R2005-1) were relatively simplistic. The Postal Service proposed uniform rate adjustments across-the-board, and it proposed no classification changes. The OCA emphasizes this difference, as well as the observation that the two previous cases (Docket Nos. R2001-1 and R2005-1) were both settled. The OCA states that the current proceeding “provides the first opportunity in six years to develop thoroughly evidence on these vital matters [costs and rate proposals by subclass and mail category].” OCA Motion at 2.

Contrary to the OCA’s implication, however, the two previous cases were not totally inconsequential or devoid of discovery. In fact, in Docket No. R2001-1, the Postal Service did propose rates differentiated by class and proposed several significant classification changes. The Chairman steered the case toward settlement, but the hallmark of the proceedings consisted of a full opportunity to explore the Postal Service’s proposals, as well as the evidentiary bases for them, through discovery and cross-examination. Approximately 2400 numbered interrogatories (not counting numerous parts and subparts) were directed to the Postal Service, as well as several Presiding Officer’s Information Requests. The OCA alone accounted for over 500 numbered interrogatories. Those inquiries included opportunities to understand and challenge the costs, as well as the rate proposals, the current state of operations, and the Postal Service’s financial condition. Participants were given ample opportunities to cross-examine and challenge the Postal Service’s witnesses. In accepting the settlement agreement, the Commission concluded that the record created by these

efforts supported its recommendations based on the Stipulation and Agreement.

In Docket No. R2005-1, a full discovery period was also permitted. Once again, several parties took the opportunity to ask a total of over 1500 interrogatories, even though, as noted, the Postal Service's proposals themselves were relatively simplistic, and there was relatively little controversy over either the pricing approach or the Postal Service's financial objectives. The OCA itself was responsible for over 350 of those inquiries, which ranged across a wide spectrum of topics.

Most significantly, the Postal Service in Docket No. R2005-1 presented a substantial array of cost analyses and special studies that have been carried over virtually intact from that proceeding into testimony in the current case. While there have been some changes to incorporate new data (e.g., Window Service), in major respects, the costing analyses are remarkably similar to those relied upon previously. The Postal Service's carrier cost approach has been fundamentally the same since the 2003 Cost and Revenue Analysis, when a public briefing was presented to introduce it. In fact, it was the focus of significant discovery in Docket No. R2005-1. Similarly, the Postal Service's mail processing cost analysis has changed very little from the approach presented in Docket No. R2005-1. Furthermore, during the past few years, the OCA has been working informally with the Postal Service to gain access to information that could be instrumental in developing the OCA's own testimony concerning mail processing costs.

In highlighting these discrepancies in the OCA's general arguments, the Postal Service by no means intends to underemphasize or misrepresent the significance of its proposals in the current docket. The Postal Service has proposed major departures in

development of worksharing rates and changes in rate structure to give greater influence to the effects of shape and dimension on recovery of costs. Issues arising out of these proposals certainly warrant scrutiny and inquiry. The key question, however, is whether any of these advancements justify unbalancing the procedural schedule so as to run the risk of denying adequate opportunities for due process at later stages of the case. An extraordinarily long discovery period against the Postal Service must also be weighed carefully against the effect on the Commission's ability to evaluate the record and write a clear, well-supported opinion at the end of the case.

Furthermore, the OCA's, and the other participants' comments warning of the scope and complexity of the current proceeding seem belied by their actions up to now. It would be extremely unusual for parties in an omnibus rate proceeding to complain about the prospect of having more time to conduct discovery against the Postal Service. In this instance, however, the black picture painted by the term "mother of all rate cases" has preceded the filing by many months, especially against the backdrop of possible legislative amendments to the Postal Reorganization Act. Reports of the potential complexity and impact of the upcoming case have populated the trade press. Yet, somewhat surprisingly, discovery in the case seems to have gotten off to a sluggish start. As noted at the Prehearing Conference, some six weeks from the filing of the Postal Service's Request, only approximately 750 numbered interrogatories had been filed.<sup>4</sup> This compares with approximately 1100 interrogatories filed in Docket No. R2000-1 and approximately 1050 filed in Docket No. R2001-1, six weeks after filing. As

---

<sup>4</sup> Despite the apparent decrease in the number of interrogatories, the complexity of questions has required at least as much effort to develop responses as the more numerous interrogatories in previous dockets required.

of the time of the OCA's motion, it had filed approximately 75 numbered questions (not including parts and subparts), compared with approximately 200 in Docket No. R2000-1 and approximately 300 in Docket No. R2001-1.<sup>5</sup>

Admittedly, these statistics will not be persuasive to the OCA and other parties who view their needs through the lens of how much more they believe has to be done, rather than how much they have done up to now. In establishing the schedule, however, the Presiding Officer should take account of the equities involved, which must reflect the conduct of all parties, especially where the consequences will affect all parties. In this instance, the evaluation of protests about the "family metaphor" (Tr. 1/35) that most properly applies to this case should consider the apparent failure of many participants to act on the clear warnings that they now tout as reasons for extended discovery. The Presiding Officer should balance those equities fairly when evaluating whether extra time should be devoted to discovery, especially in light of the consequences for the remainder of the procedural schedule.

In this regard, pursuant to the Commission's rules, the Postal Service in its current filing has attempted to ensure that participants are provided with a "roadmap"

---

<sup>5</sup> We do not overlook the circumstance created by several other contemporaneous proceedings that the OCA identifies in furtherance of its motion. OCA Motion at 2-3. We will admit, furthermore, that multiple cases might weigh more heavily on the OCA than other parties, who do not have designated roles in every case. Unfortunately, the proliferation of cases is the product of the times, including new specialized procedures for proposals based on Negotiated Service Agreements. The complaints brought pursuant to 39 U.S.C. § 3662 that the OCA cites, moreover, did not lie within the control of the Postal Service (or the OCA). Nevertheless, a more crowded Commission calendar is an unavoidable obstacle that each participant must contend with in accord with its own priorities. In any event, such circumstances do not warrant the added burden and potentially greater disadvantage that extending discovery would create for all participants and the Commission in an omnibus rate case with a statutory ten-month limit.

and other assistance in understanding its evidence and proposals. As in the past, furthermore, the Postal Service has been, and stands willing to work informally with counsel to facilitate production of information and help refine requests so discovery will be more productive.<sup>6</sup>

The key significance of the settlements in the two previous cases is not to point out how much less complex they were than the current proceedings. Nor do they stand only to remind us of the ground that needs to be covered now. As noted, both cases were marked by, either significant, conventional proposals, or the introduction of cost studies and analyses that are again being relied upon in the current filing. Both cases involved significant discovery and cross-examination concerning the Postal Service's proposals.

Rather, the most important consequence of the status of these cases as settlements is that neither was subjected to the pressure of the ten-month limit on the later stages.<sup>7</sup> With the exception of one opposing party in each case, and the parties opposing it, the participants who settled did not need to prepare direct or rebuttal testimony or argue against the Postal Service's proposals. Both cases were concluded

---

<sup>6</sup> Several parties at the Prehearing conference commented on instances in the current case so far when the Postal Service has missed discovery deadlines, or objected to production of information. Clearly, delays will occur in every proceeding of this nature. The Postal Service makes good faith efforts to comply with discovery in a timely fashion, and does not without basis object to legitimate inquiries. At the same time, as in previous cases, some discovery is simply not relevant, or pursues issues to inappropriate areas or at an unhelpful level of detail. The Postal Service reserves the right to object to such discovery that will only burden, rather than enhance the record. Pursuit of such inquiries only interferes with the Postal Service's ability to address more appropriate requests.

<sup>7</sup> We acknowledge that both cases were influenced, in effect, by non-statutory deadlines linked to the desirability of avoiding protracted litigation and allowing early implementation of recommended rate changes.

substantially short of ten months, and the Commission had adequate time to review the records and prepare its recommendations and Opinion, particularly in light of the lack of controversy over the Postal Service's proposals.

The Postal Service objects to an extraordinary period of discovery, not so much because there is no basis to the claim that more time would be better from the perspectives of the other participants and the OCA. Rather the Postal Service objects strongly to the consequences of the OCA's alternative schedule, and the implications for producing solid recommendations that are well-supported on the record and well-reasoned in the Commission's Opinion. Obviously, furthermore, extended discovery will create a substantial burden for the Postal Service and its witnesses, and will bias the proceeding against the procedural rights of the Postal Service and its supporters at subsequent, critical stages of the proceeding.

As noted at the Prehearing Conference, the Postal Service objects to the OCA's motion for extended discovery principally because it is unrealistic and impractical. The Postal Service proposed a reasonable discovery deadline of July 12. This would match the discovery stage permitted in Docket No. R2000-1 (70 days), the most recent "conventional" rate case that was not settled.<sup>8</sup> As proposed, this suggestion compared favorably to the historical average for discovery periods since Docket No. R80-1 (65 days).<sup>9</sup> Again using Docket No. R2000-1 and historical averages as a guide, the

---

<sup>8</sup> It bears noting that, in some respects, Docket No. R2000-1 was hardly conventional. The proceeding was marked by an extraordinary effort to "update" the case by taking account of a more recent Cost and Revenue Analysis and more recent operational and financial information than were incorporated in the Postal Service's filing. These developments injected procedural elements unusual for a conventional case.

<sup>9</sup> At least two factors distinguish current discovery practice from that in earlier cases, and both factors suggest the ability for intervenors to obtain necessary information

proposed discovery deadline, after allowing comparable time to conduct hearings on the Postal Service's evidence, would permit filing of intervenor testimony during the first part of September.

The Postal Service has developed a hypothetical procedural schedule that builds on these suggestions. Attachment A compares this schedule with the historical average times for the main stages of omnibus rate cases since Docket No. R80-1.<sup>10</sup> While we do not represent that this proposal is optimal, in light of other circumstances that might be considered, it has the advantage of staying close to the intervals proven through several rate cases to provide adequate time, from a practical standpoint, and fair due process opportunities in the litigation of the Postal Service's filings. The hypothetical schedule could also provide a plan that fits reasonably well around the December-January holidays, although no completely satisfactory fit seems possible in that respect. Most importantly, the schedule would provide approximately two months after submission of Reply briefs for the Commission to review the record and finalize its Opinion and Recommended Decision, prior to the ten-month limit.

By contrast, a hypothetical schedule based on the OCA's proposed discovery deadline, if projected based on historical intervals, would provide only approximately one month for Commission deliberations. Attachment C illustrates a comparison based on this hypothetical.

We admit that these hypotheticals do not exhaust the options that would be

---

within a shorter discovery period, not a more lengthy one. The first factor is the current 14-day period for response, compared with the 20-day period previously specified in the Rules. The second factor is the webpage, and the reality that parties get access to answers (and related library reference materials) much more quickly via electronic filing than they did in the days of hard-copy filing and service by mail.

<sup>10</sup> Attachment B provides a similar comparison with the schedule in Docket No. R2000-1.

available, if the Presiding Officer were to depart from historical average intervals. In particular, it is difficult to predict whether comparable times for the duration of hearings at each stage will be required, or how much time will be needed by intervenors for development of direct testimony, for discovery against that testimony, for all parties to develop rebuttal testimony, and for argument in briefs. We will observe that one solid month of discovery against intervenor cases would seem to be a bedrock minimum, as would be two months for the Commission to review the record and write an opinion.

Any speculative tinkering with other stages in a future schedule might be risky. For the same reasons as expressed by the OCA in its motion, there is no basis to conclude that the Postal Service's proposals are likely to be uncontroversial or unopposed. Nor is there reason to expect that intervenors will not propose alternative changes that were not introduced in the Postal Service's filing. In fact, the Postal Service has learned informally that there may be significant alternative proposals made. If that circumstance materializes, it will be important for the Presiding Officer to maintain balance in the schedule to avoid depriving any party of a fair opportunity to be heard. In this regard, it should be kept in mind that intervenors commonly have incompatible objectives and interests. Some will support the Postal Service's proposals, some will not. Some will make alternative proposals that others will oppose vigorously.

The OCA's proposed discovery deadline simply leaves too much to chance. It is seriously disproportionate to the practical experience of history, and it is likely to lead to difficulties down the road. The alternative approach of "wait and see" is even more problematic. All participants, as well as the Commission, need some idea about the future course of the case to be able to plan sensibly and allocate resources. As

attractive (and unfair to the Postal Service) as a generous initial discovery period might be now, it would be regretted later, perhaps more by the Postal Service's Governors who are the chief beneficiaries of the Commission's recommendations.

The other alternative mentioned at the Prehearing Conference of establishing a "staggered" schedule for discovery and cross-examination of Postal Service witnesses would have similar pitfalls. If the current case is as complicated as the OCA represents, it will be difficult to fairly determine where to draw lines. Admittedly, some testimonies are more complex than others, yet they might not be of equal interest and importance to all participants.<sup>11</sup> Why should the schedule favor one set of interests, at the possible cost of disadvantaging other interests, or all parties and the Postal Service together, in later stages of the proceeding? Furthermore, no participant has justified the necessity of an extraordinary 90-day discovery period in light of the adequacy of much shorter discovery periods for testimony easily as complex in prior proceedings. Finally, it should be observed that the two primary examples of staggered schedules in Docket Nos. R2001-1 and R2005-1 both took place in cases that promised settlement early in the proceedings. As noted, as those cases developed, the prospect of squeezing later stages was not a serious problem.

In conclusion, the Presiding Officer should resist the temptation to silence the

---

<sup>11</sup> Greeting Card Association (GCA) has filed a pleading that essentially agrees that the schedule should not be staggered, although GCA asserts that, if discovery were to be phased, witness Thress should be within the category deserving extended discovery. Response of Greeting Card Association in Support of Motion of the Office of the Consumer Advocate to Extend the Time for Discovery, Docket No. R2006-1, at 2 (June 22, 2006). We note that, up to now, GCA has not directed one interrogatory to witness Thress, and neither has any other party. Moreover, the structure and content of witness Thress' testimony is quite analogous to what he has sponsored in previous omnibus dockets. These facts belie the alleged need for extended discovery against witness Thress, and are symptomatic of the types of issues raised by a staggered schedule.

complaints of participants who find themselves faced with a difficult, but not unfamiliar problem in litigating a complex rate case. All parties, as well as the Commission, will be disadvantaged, if the OCA's motion for an extraordinary extended discovery period is granted.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorney:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-2989, FAX -3084  
June 22, 2006

## ATTACHMENT A

## Postal Service Hypothetical Schedule, Historical Comparison

<b>Stage</b>	<b>R2006-1</b>	<b>Interval</b>	<b>Historical average interval</b>
Filing	5-3-06		
Prehearing Conference	6-5-06	<b>31 days after filing</b>	<b>32 days after filing</b>
Completion of Discovery – USPS case	7-12-06 Answers due 7-28	<b>70 days after filing</b>	<b>65 days after filing</b>
Hearings USPS Direct Case begin	8-1-06	<b>20 days after end of discovery</b>	<b>24 days after end of discovery</b>
Hearings end	8-22-06	<b>21 days after beginning of hearings</b>	<b>24 days after beginning of hearings</b>
Intervenors' Cases Filed	9-1-06	<b>10 days after end of hearings</b>	<b>10 days after end of hearings</b>
Completion of Discovery against Intervenors	9-29-06	<b>28 days after filing testimony</b>	<b>27 days after filing testimony</b>
Hearings on Intervenors' Direct Cases begin	10-19-06	<b>20 days after end of discovery</b>	<b>21 days after end of discovery</b>

<b>Stage</b>	<b>R2006-1</b>	<b>Interval</b>	<b>Historical average interval</b>
Hearings end	11-6-06	<b>18 days after start of hearings</b>	<b>19 days after start of hearings</b>
Completion of Discovery Against USPS	11-20-06	<b>199 days from filing</b>	
Rebuttal Cases Filed	11-20-06	<b>14 days after end of intervenor hearings</b>	<b>12 days after end of intervenor hearings</b>
Hearings Rebuttal begin	11-30-06	<b>10 days after filing of rebuttal testimony</b>	<b>10 days after filing of rebuttal testimony</b>
Rebuttal Hearings End	12-11-06	<b>11 days after filing of rebuttal testimony</b>	<b>10 days after start of hearings</b>
Initial Briefs	12-22-06	<b>11 days after end of rebuttal hearings</b>	<b>12 days after end of rebuttal hearings</b>

<b>Stage</b>	<b>R2006-1</b>	<b>Interval</b>	<b>Historical average interval</b>
Reply Briefs	1-5-06	<b>14 days after initial briefs filed</b>	<b>11 days after initial briefs filed</b>
PRC Recommended Decision	3-5-07	<b>59 days after reply briefs filed</b>	<b>61 days after reply briefs filed</b>

## ATTACHMENT B

## Postal Service Hypothetical Schedule, Comparison with Docket No. R2000-1

Stage	R2006-1	Interval	R2000-1 (Most recent fully litigated case)	Interval	Historical average interval
Filing	5-3-06		1-12-2000		
Prehearing Conference	6-5-06	<b>31 days after filing</b>	2-16-2000	<b>35 days after filing</b>	<b>32 days after filing</b>
Completion of Discovery – USPS case	7-12-06 Answers due 7-28	<b>70 days after filing</b>	3-23-2000	<b>70 days after filing</b>	<b>65 days after filing</b>
Hearings USPS Direct Case begin	8-1-06	<b>20 days after end of discovery</b>	4-11-2000	<b>19 days after end of discovery</b>	<b>24 days after end of discovery</b>
Hearings end	8-22-06	<b>21 days after beginning of hearings</b>	5-9-2000	<b>28 days after beginning of hearings</b>	<b>24 days after beginning of hearings</b>
Intervenors' Cases Filed	9-1-06	<b>10 days after end of hearings</b>	5-22-2000	<b>13 days after end of hearings</b>	<b>10 days after end of hearings</b>
Intervenors cases (rebuttal to Raymond and Baron) filed	N/A		5-30-2000	<b>21 days after end of hearings</b>	N/A
Completion of Discovery against Intervenors	9-29-06	<b>28 days after filing testimony</b>	6-19-2000	<b>28 days after filing testimony</b>	<b>27 days after filing testimony</b>

<b>Stage</b>	<b>R2006-1</b>	<b>Interval</b>	<b>R2000-1</b>	<b>Interval</b>	<b>Historical average interval</b>
Hearings on Intervenor's Direct Cases begin	10-19-06	<b>20 days after end of discovery</b>	7-6-2000	<b>17 days after end of discovery</b>	<b>21 days after end of discovery</b>
Basic Update (FY 1999 CRA and test year estimates) due	N/A		7-7-2000		N/A
Hearings end	11-6-06	<b>18 days after start of hearings</b>	7-20-2000	<b>14 days after start of hearings</b>	<b>19 days after start of hearings</b>
Hearings on testimony submitted by USPS on NOI No. 3	N/A		7-21-2000		N/A
Test year updates beyond basic	N/A		7-21-2000		N/A
Technical conferences on revised TY forecasts	N/A		7-26-2000 to 7-28-2000		N/A
Completion of Discovery Against USPS	11-20-06	<b>199 days from filing</b>	7-31-2000	<b>200 days from filing</b>	

<b>Stage</b>	<b>R2006-1</b>	<b>Interval</b>	<b>R2000-1</b>	<b>Interval</b>	<b>Historical average interval</b>
Hearings on USPS revisions to Test Year forecasts	N/A		8-3-2000 to 8-4-2000		N/A
Rebuttal Cases Filed	11-20-06	<b>14 days after end of intervenor hearings</b>	8-14-2000	<b>24 days after end of intervenor hearings</b>	<b>12 days after end of intervenor hearings</b>
Filing changes to cases in chief incorporating revisions to test year forecasts	N/A		8-14-2000		N/A
Hearings Rebuttal begin	11-30-06	<b>10 days after filing of rebuttal testimony</b>	8-22-2000	<b>8 days after filing of rebuttal testimony</b>	<b>10 days after filing of rebuttal testimony</b>
Rebuttal Hearings End	12-11-06	<b>11 days after filing of rebuttal testimony</b>	8-31-2000	<b>9 days after start of hearings</b>	<b>10 days after start of hearings</b>
Close of evidentiary record			9-8-2000		
Initial Briefs	12-22-06	<b>11 days after end of rebuttal hearings</b>	9-13-2000	<b>12 days after end of rebuttal hearings</b>	<b>12 days after end of rebuttal hearings</b>

<b>Stage</b>	<b>R2006-1</b>	<b>Interval</b>	<b>R2000-1</b>	<b>Interval</b>	<b>Historical average interval</b>
Reply Briefs	1-5-06	<b>14 days after initial briefs filed</b>	9-22-2000	<b>9 days after initial briefs filed</b>	<b>11 days after initial briefs filed</b>
PRC Recommended Decision	3-5-07	<b>59 days after reply briefs filed</b>	11-13-2000	<b>52 days after reply briefs filed</b>	<b>61 days after reply briefs filed</b>

## ATTACHMENT C

## OCA Hypothetical Schedule Comparison

<b>Stage</b>	<b>OCA Hypothetical</b>	<b>Interval</b>	<b>Historical average interval</b>
Filing			
Prehearing Conference			<b>32 days after filing</b>
Completion of Discovery – USPS case	8-2-06	<b>90 days after filing</b>	<b>65 days after filing</b>
Hearings USPS Direct Case begin	8-28-06	<b>26 days after end of discovery</b>	<b>24 days after end of discovery</b>
Hearings end	9-21-06	<b>24 days after beginning of hearings</b>	<b>24 days after beginning of hearings</b>
Intervenors' Cases Filed	10-2-06	<b>11 days after end of hearings</b>	<b>10 days after end of hearings</b>
Completion of Discovery against Intervenors	10-30-06	<b>28 days after filing testimony</b>	<b>27 days after filing testimony</b>
Hearings on Intervenors' Direct Cases begin	11-20-06	<b>20 days after end of discovery</b>	<b>21 days after end of discovery</b>

<b>Stage</b>	<b>OCA Hypothetical</b>	<b>Interval</b>	<b>Historical average interval</b>
Hearings end	12-7-06	<b>16 days after start of hearings</b>	<b>19 days after start of hearings</b>
Rebuttal Cases Filed	12-19-06	<b>12 days after end of intervenor hearings</b>	<b>12 days after end of intervenor hearings</b>
Hearings Rebuttal begin	12-29-06	<b>10 days after filing of rebuttal testimony</b>	<b>10 days after filing of rebuttal testimony</b>
Rebuttal Hearings End	1-8-07	<b>9 days after start of hearings</b>	<b>10 days after start of hearings</b>
Initial Briefs	1-22-07	<b>14 days after end of rebuttal hearings</b>	<b>12 days after end of rebuttal hearings</b>
Reply Briefs	2-2-06	<b>11 days after initial briefs filed</b>	<b>11 days after initial briefs filed</b>
PRC Recommended Decision	<b>3-5-06</b>	<b>31 days after reply briefs filed</b>	<b>61 days after reply briefs filed</b>

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

---

Daniel J. Foucheaux, Jr.

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-2989, FAX: -5402  
June 22, 2005