

ORDER NO. 1474

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

George Omas, Chairman;
Dawn A. Tisdale, Vice Chairman;
Mark Acton; Ruth Y. Goldway; and
Tony L. Hammond

Periodicals Nominal Rate
Minor Classification Change

Docket No. MC2006-5

ORDER ADDRESSING FURTHER PROCEDURAL STEPS

(Issued August 24, 2006)

This Order addresses several of the remaining procedural steps in this case, which is being conducted on an expedited basis pursuant to an earlier finding.¹ First, with respect to further formal stages of the case, the Postal Service indicates that it has asked all participants about the need for hearings or briefing, and that no party has expressed an interest in either of these steps. Motion of the United States Postal Service for Consideration of the Stipulation and Agreement as the Basis for Recommended Decision, August 18, 2006 at 1 (Postal Service Motion). Based on this representation and the Commission's own assessment of the issues in this case, no hearings or briefing period will be scheduled in this case. Pursuant to Commission Rule

¹ See PRC Order No. 1473, August 9, 2006.

69c, this means that the Commission must issue its decision in this case by October 4, 2006.²

Second, the Postal Service appended the proposed Stipulation and Agreement (settlement proposal) to its Second Status Report on Settlement Negotiations, August 14, 2006 (Second Report). It states that the settlement proposal is unopposed, reflects the proposal submitted in its original Request, and has been signed by 7 of the 8 participants in this docket. *Id.* at 1. The Commission confirms that seven signature pages have been filed with its Docket Section as of the issuance of this Order.³ Given the limited nature of the underlying proposal and the fact that participants have had since mid-August to consider their position on the settlement proposal, the deadline for submission of any outstanding signature page is August 25, 2006.

Third, the Service has expressed its interest in having the Commission base its recommended decision in this case on the settlement proposal. *Id.* at 1-2. Under Commission Rule 21(b) (39 C.F.R. § 3001.21(b)), any participant who wishes to file a response to the Postal Service Motion must do so within 7 days (August 25, 2006). Any such responses will be considered in the course of the Commission's disposition of the Postal Service Motion.

Fourth, with respect to the status of support for the proposal, the Postal Service has stated that it is prepared to move for the admission of witness Yeh's testimony into the evidentiary record. Second Report at 1-2. Given this representation and the Commission's interest in compiling an orderly and complete record, the Postal Service is directed to file such motion and to append two copies of USPS-T-1, along with a certificate of authenticity. The deadline for submitting this motion and the accompanying material is August 28, 2006. The Commission anticipates closing the record in this case shortly thereafter.

² The Commission notes that the Postal Service has observed that the next meeting of the Board of Governors is scheduled for September 12, 2006.

³ Signatories include the Alliance of Nonprofit Mailers (August 16, 2006); Magazine Publishers of America, Inc. (August 16, 2006); National Newspaper Association (August 15, 2006); Newspaper Association of America (August 16, 2006); Office of the Consumer Advocate (August 17, 2006); Time Warner Inc. (August 16, 2006) and the United States Postal Service (August 18, 2006).

It is ordered:

1. Having received no requests for hearings or briefs in this case, none are scheduled.
2. Consistent with 39 C.F.R. 3001.21(b), responses to the Motion of the United States Postal Service for Consideration of the Stipulation and Agreement as the Basis for Recommended Decision, filed August 18, 2006, are due August 25, 2006.
3. Any outstanding signature page intended to be appended to the Stipulation and Agreement submitted in this case must be filed with the Commission no later than August 25, 2006.
4. The Postal Service is directed to submit, via motion, two copies of the direct testimony of witness Yeh in this case (USPS-T-1), along with a certificate of authenticity, no later than August 28, 2006.

By the Commission
(SEAL)

Steven W. Williams
Secretary