

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

Postal Rate and Fee Changes

Docket No. R2006-1

PRESIDING OFFICER'S RULING CERTIFYING
OBJECTION TO THE COMMISSION

(Issued November 8, 2006)

On October 16, 2006, I designated for inclusion in the record the Postal Service's responses to Presiding Officer's Information Request No. 4, Questions 4-12, and its responses to Presiding Officer's Information Request No. 16, Question 13-21.¹ On October 17, 2006, the Commission received the objection of a group of intervenors to these designations.² They assert that the answers to these information requests constitute a new analysis of attributable carrier street time costs. They argue that the results of this new analysis are different enough from the analysis proposed in the Postal Service's Request that they could potentially require a general revision in the Postal Service's proposed rates to reflect the results of the new analysis. They contend that they need to be afforded the opportunity to cross-examine the attesting witnesses and file rebuttal testimony, as §§ 556 and 557 of the Administrative Procedures Act

¹ P.O. Ruling R2006-1/83.

² Objection of Magazine Publishers of America, Inc., American Business Media, Advo, Inc., Alliance of Nonprofit Mailers, Association for Postal Commerce, Direct Marketing Association, Dow Jones and Co., Inc., Growing Family, Inc., Mail Order Association of America, Mailing & Fulfillment Service Association, The McGraw-Hill Companies, Inc., National Association of Presort Mailers, National Postal Policy Council, National Newspaper Association, Parcel Shippers Association, Saturation Mail Coalition, Time Warner Inc. and U.S. News & World Report, L.P., to Receipt of the United States Postal Service to Presiding Officer's Information Request No. 4, Questions 4-12, and Presiding Officer's Information Request No. 16, Items 13-21, October 17, 2006.

require, and that there is not enough time remaining in this proceeding to allow these procedures.

Including the responses referenced above in the record will potentially have a substantial effect on estimated costs, cost coverages, and rates if the analysis contained in these responses were to be adopted by the Commission. This could have a substantial impact on the intervenors' rights to due process if they are unable to adequately rebut the results of the study in the time remaining in this docket. In addition, the suitability of the R2005-1 carrier cost estimates to serve as methodological precedent for carrier cost attribution in this docket is unclear. These issues present important questions of both law and policy within the meaning of Rule 32(b) of the Commission's rules of practice. In my view, the conduct of this proceeding will be facilitated by certifying them to the full Commission for disposition.

RULING

Under Rule 32(b), the Objection of Magazine Publishers of America, Inc., American Business Media, Advo, Inc., Alliance of Nonprofit Mailers, Association for Postal Commerce, Direct Marketing Association, Dow Jones and Co., Inc., Growing Family, Inc., Mail Order Association of America, Mailing & Fulfillment Service Association, The McGraw-Hill Companies, Inc., National Association of Presort Mailers, National Postal Policy Council, National Newspaper Association, Parcel Shippers Association, Saturation Mail Coalition, Time Warner Inc. and U.S. News & World Report, L.P., to Receipt of the United States Postal Service to Presiding Officer's Information Request No. 4, Questions 4-12, and Presiding Officer's Information Request No. 16, Items 13-21, filed October 17, 2006, is certified to the full Commission for disposition.

George Omas
Presiding Officer