

ORDER NO. 12

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

Before Commissioners:

Dan G. Blair, Chairman;  
Dawn A. Tisdale, Vice Chairman;  
Mark Acton; Ruth Y. Goldway; and  
Tony L. Hammond

Stamped Stationery and Stamped Cards  
Classifications

Docket No. MC2006-7

ORDER ADOPTING PROCEDURAL DATES  
AND GRANTING MISCELLANEOUS MOTIONS

(Issued April 25, 2007)

On April 20, 2007, the Postal Service filed a final report on the status of settlement discussions, indicating that a settlement would not be forthcoming.<sup>1</sup> In light of that, the Postal Service proposes the following procedural dates, supplementing those established at the April 5 prehearing conference:<sup>2</sup>

- |          |   |
|----------|---|
| April 27 | Deadline for filing of Postal Service motion for receipt into evidence of witness's testimony with declaration;   |
| April 30 | Deadline for participants' designation of responses to written cross-examination for inclusion in the record; and |
| May 1    | Deadline for filing of witness's declaration for designated responses.  |

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<sup>1</sup> Final Report of the United States Postal Service on the Status of Settlement Discussions and Proposed Additional Procedural Deadlines, April 20, 2007 (Motion to Establish Procedural Deadlines).

<sup>2</sup> Under the schedule adopted at the prehearing conference, initial briefs are due May 4, 2007 and reply briefs are due May 14, 2007. See Tr. 1/4.

The Postal Service indicates that participants do not object to the schedule subject to two caveats: first, that the Postal Service answer outstanding interrogatories in timely fashion; and second, that the Commission allow for the designation of any answers filed subsequent to the deadline for designations.

The Motion to Establishing Procedural Deadlines is granted. The Postal Service anticipates it will provide timely answers to outstanding interrogatories.<sup>3</sup> The second caveat, which calls for the Commission to allow designation of answers filed subsequent to the deadline for designations, is intended as an insurance policy if, for whatever reason, the Postal Service files untimely answers that preclude participants from making timely designations. The intended meaning of the second caveat that the “Commission allow” designations subsequent to the April 30 deadline is somewhat unclear. The Commission does not read this language as preempting a ruling on the merits of any untimely designations, but only that any such designations are a recognized exception to the April 30 deadline. In raising this point, the Commission is not indicating that it anticipates any problems with the procedures suggested by the participants. Rather, it seeks to avoid any possible misinterpretation its silence may have occasioned.

In addition, there are several miscellaneous motions pending in this proceeding; most request acceptance of filings out of time. They are:

Motion of the United States Postal Service for Late Acceptance of the Response to Interrogatory DBP/USPS-2, March 13, 2007;

Motion of the United States Postal Service for Late Acceptance of Responses of Witness Yeh to Interrogatories OCA/USPS-T1-1, 5-12, and 18, March 19, 2007;

Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of David B. Popkin (DBP/USPS-20-27, 30-31), April 13, 2007;

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<sup>3</sup> In an earlier report, the Postal Service committed to filing responses to interrogatories within seven days. Second Report of the United States Postal Service on the Status of Settlement Discussions and Joint Proposed Procedural Schedule, April 4, 2007, at 1.

Motion of the United States Postal Service for Late Acceptance of Its Response to Interrogatory of Douglas F. Carlson Redirected from Witness Yeh (DFC/USPS-T1-11), April 16, 2007;

Motion for Late Acceptance of the Responses of the United States Postal Service to Interrogatories of the Office of the Consumer Advocate Redirected from Witness Yeh (OCA/USPS-T1-30-31), April 19, 2007; and

David B. Popkin Request to Withdraw the Motion to Compel Response to Interrogatories DBP/USPS-28 and 29 Filed on April 19, 2007, April 20, 2007.

No participant opposes these motions.<sup>4</sup> The foregoing motions are granted.

*It is ordered:*

1. As discussed in the body of this Order, the Postal Service's Motion to Establish Procedural Deadlines, filed April 20, 2007, is granted.
2. The miscellaneous motions identified in the body of this Order are granted.

By the Commission.

Steven W. Williams  
Secretary

Hammond, Commissioner, dissenting.

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<sup>4</sup> The due dates for answers to the last two of the foregoing motions are April 26, 2007 and April 27, 2007, respectively. Given the uncontroversial nature of these motions and based on past motions practice, the Commission does not anticipate any opposition being filed to these motions. Nonetheless, the grant of these motions is without prejudice to any participant's right to file such opposition.