

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

SIX-DAY TO FIVE-DAY CARRIER DELIVERY
AND RELATED SERVICE CHANGES, 2010

Docket No. N2010-1

UNITED STATES POSTAL SERVICE OPPOSITION TO DOUGLAS F.
CARLSON MOTION TO RESCHEDULE THE APPEARANCE OF WITNESS
GRANHOLM FOR ORAL CROSS-EXAMINATION
(July 1, 2010)

The Postal Service hereby opposes a motion filed earlier today by Douglas F. Carlson to reschedule the appearance of witness Dean J. Granholm (USPS-T-3) from July 14, 2010, to July 20 or 21, 2010.

Mr. Granholm will not be available to testify during the entire week of July 19-23, 2010, as he will be on travel.¹

In addition, the Commission has scheduled seven witnesses to testify from July 20-22. To add an eighth witness, of whom one can expect heavy oral cross-examination, to that schedule would place an undue burden on preparation efforts for oral testimony. The current schedule is well balanced, and should not be undone.

In his motion, Mr. Carlson states that he “assumed that witness scheduling would depend on information contained in the notices of intent to conduct oral cross-examination.” Carlson Motion at 1. His assumption flies in the face of Presiding

¹ As Mr. Carlson notes, on June 15, 2010 Mr. Granholm indicated that he would not be unavailable for any of the potential hearing dates. After the Commission released its schedule, however, Mr. Granholm promptly made plans for many of those dates. The fact that a two-week “on-hold” period on the calendar of a postal headquarters vice president would fill quickly once the date for an appearance before the Commission is set should not come as a surprise.

Officer's Ruling No. N2010-1/1, which made clear that "[a]fter reviewing witness availability, a later ruling will set out the dates for the appearance for oral cross-examination of Postal Service witnesses. Participants requesting oral cross-examination of a Postal Service witness shall file notice with the Commission by July 8, 2010." See Presiding Officer's Ruling Establishing Procedural Schedule (April 28, 2010). Mr. Carlson was on notice of how the Commission would proceed in this docket two months ago. As an active participant in more than a score of Commission rate and classification proceedings since Docket No. R97-1, Mr. Carlson can be presumed to be fully aware that Commission scheduling practices have evolved since Docket No. R97-1. If he had any issue with that evolution, it would have been more appropriate to have raised that issue soon after Ruling No. N2010-1/1, not two months later. Mr. Carlson expresses the unrealistic expectation that the Commission would wait until after reviewing notices of intent to conduct cross-examination and scheduling preferences filed by as many as 30 intervenors on July 8th to establish an order of cross-examination of 11 witnesses in hearings scheduled to begin on July 11th.

Since Ruling No. N2010-1/1, Postal Service witnesses in this docket with critical professional responsibilities have postponed the scheduling of specific postal and family commitments (and in one case, surgery) pending the issuance of the schedule in Ruling No. N2010-1/10 on June 29th. In the two days since that schedule was issued, departmental and customer meetings formerly on hold have been arranged, academic and family obligations have been scheduled. In witness Granholm's case, he will be attending meetings out-of state.

Intervention in Commission proceedings is voluntary. Active participation involves burdens and costs that are unavoidable. In matters of scheduling of hearings, the personal preferences of individual witnesses, attorneys, consultants, trade association members and other participants cannot always be accommodated and must be weighed in the balance against the interest of all participants and the Commission's interest in orderly management of a pending docket. One of those interests is the logical presentation of testimony for oral cross-examination. The operations testimony of witness Granholm (USPS-T-3) lays a foundation for the costing testimony of witness Bradley (USPS-T-6). The Commission has scheduled USPS-T-3 for thorough examination before USPS-T-6. Accommodation of witness Carlson's request could wreak havoc on the scheduled second week of hearings.

The Commission should deny Mr. Carlson's motion.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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