

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

Retail Access Optimization Initiative

Docket No. N2011-1

PRESIDING OFFICER'S RULING MODIFYING
THE PROCEDURAL SCHEDULE

(Issued October 4, 2011)

On September 30, 2011, the Postal Service filed a motion to change the hearing date to enter rebuttal testimony into the record in this case.¹ The Postal Service states that because seven participants filed 10 written testimonies, some of which contained complex analysis, it will need to file substantial written discovery on October 3, 2011. *Id.* at 2. It notes that the answers to the discovery propounded on October 3, 2011 would not be due until the day of the rebuttal hearing. *Id.* The Postal Service contends that adjusting the schedule as it suggests would not require further modification of the procedural schedule. The Postal Service states that it is open for further accommodation should October 13, 2011 not be convenient for other participants. *Id.* at 3.

The National League of Postmasters previously filed a motion to reschedule the hearing date for one of its witnesses.²

¹ Motion of the United States Postal Service for Change in Hearing Date, September 30, 2011 (Motion).

² National League of Postmasters Motion to Reschedule Entry of Rebuttal Testimony of League Witness Donald Hobbs into the Record, NLPM-RT-2, September 29, 2011.

The National Association of Postmasters of the United States filed in response to the Motion, stating that counsel was unavailable on October 13 and 14 due to religious holiday observance.³

The considerable volume of rebuttal testimony merits additional time to review before the hearing phase. Further, data quality issues pertaining to the Postal Service's direct case persist. The Postal Service is expected to file, in the immediate future, a library reference that ties together the finance number or other identifying numbers used in the various non-public library references. See Tr. 1/581-583. That library reference will greatly aid the Commission and the parties in their analysis of the data in the record concerning the retail facilities at issue.

Accordingly, to accommodate the Postal Service and other parties, the procedural schedule is amended. The hearing to enter rebuttal testimony into the record shall be held on October 17, 2011 at 9:30 a.m. in the Commission's hearing room.⁴ The remaining dates in the procedural schedule are modified as set forth in the Attachment to this Ruling. This revised procedural schedule supersedes the schedule set forth in Presiding Officer's Ruling No. N2011-1/14, issued September 15, 2011.

Delays to the procedural schedule are a concern. This represents the second time the procedural schedule has been modified to ensure adequate due process for the parties involved. The Commission remains committed to issuing its Advisory Opinion as soon as it is feasible. All participants are aware of the Postal Service's pressing need to move forward with its plans, and a significantly delayed Advisory Opinion impedes those plans. Therefore, parties must act within the time limits established by this revised procedural schedule.

³ National Association of Postmasters of the United States Response to Motion of the United States Postal Service for Change in Hearing Date, October 3, 2011.

⁴ Parties are reminded that the deadline for designations of written responses to interrogatories, for inclusion into the evidentiary record, is October 12, 2011 pursuant to rule 3001.30(e)(2).

RULING

1. The Motion of the United States Postal Service for Change in Hearing Date, filed September 30, 2011, is granted, consistent with the body of this Ruling.
2. The National League of Postmasters Motion to Reschedule Entry of Rebuttal Testimony of League Witness Donald Hobbs into the Record, NLPM-RT-2, filed September 29, 2011, is granted, consistent with the body of this Ruling.
3. The hearing to enter rebuttal testimony into the record will be held on October 17, 2011, at 9:30 a.m.
4. The revised procedural schedule for this proceeding is set forth in the Attachment.

Ruth Y. Goldway
Presiding Officer

REVISED PROCEDURAL SCHEDULE FOR DOCKET NO. N2011-1

(October 4, 2011)

Notice of intent to conduct oral cross-examination	October 11, 2011
Hearing to enter rebuttal testimony into the record (9:30 AM in the Commission's hearing room)	October 17, 2011
Notice of intent to file surrebuttal testimony	October 18, 2011
Filing of surrebuttal testimony (if requested)	October 24, 2011
Hearing to enter surrebuttal testimony into the record (9:00 AM in the Commission's hearing room, if necessary)	October 28, 2011
Filing of briefs	
If no surrebuttal testimony filed	October 26, 2011
If surrebuttal testimony filed	November 4, 2011
Filing of reply briefs	
If no surrebuttal testimony filed	November 2, 2011
If surrebuttal testimony filed	November 10, 2011