

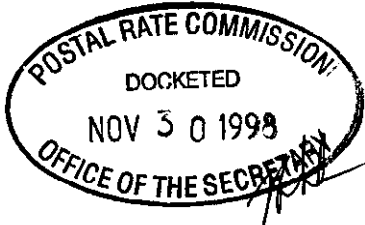
ORIGINAL

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

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OFFICE OF THE SECRETARY

Mailing Online Service)

Docket No. MC98-1



OFFICE OF THE CONSUMER ADVOCATE
COMMENTS ON PROCEDURAL SCHEDULE
(November 30, 1998)

Pursuant to Presiding Officer's Ruling No. MC98-1/15, the Office of the Consumer Advocate (OCA) hereby submits comments on the procedural schedule for this case. In a nutshell, the OCA sees no need for more than one round of intervenor testimony. Indeed, until the Service's direct case has been completed and *reliable* Market Test data have been filed with the Commission, it would be premature to schedule any procedural dates, particularly during the holiday season.¹

Data from the Market Test have not yet begun to flow,² the Market Test may be on the verge of expanding nationwide,³ the Postal Service's direct case on Information

¹ The OCA is aware of the schedule proposed by MASA today. The OCA would support MASA's schedule unconditionally but for the uncertainty surrounding the availability of Market Test data. In the view of the OCA, any procedural schedule adopted now should be explicitly provisional. If reliable Market Test data fail to appear by the end of the year, all procedural dates should be extended one month. And these one-month extensions should continue until the Commission is satisfied that the Service has begun providing reliable data from the Market Test.

² Tr. 6/1635, lines 9-20; 1636, lines 18-25; 1638, lines 3-25; 1639, lines 1-8. As these citations indicate, depth of sort data are unlikely to appear at the Commission until late in December, the Service's assertion that Market Test data would be filed on December

Systems costs will not be completed until January 14, 1999,⁴ and new print sites are nowhere near operational.⁵ The entire MOL concept is in a state of flux.⁶ There is no longer any need for the kind of expedition originally sought by the Postal Service. The Market Test is going to last much longer than originally contemplated. The software to run the experiment will not be in place until mid 1999.⁷

The procedural schedule proposed by the Postal Service imposes significant, but unnecessary, burdens on intervenors. Under the Service's schedule, intervenors would simultaneously be responding to discovery on their direct cases, conducting discovery on the Service's new direct testimony, analyzing Market Test data, and preparing testimony on Market Test data and Information Systems costs.⁸ While intervenors could no doubt shoulder such burdens, if necessary, the quality (and for outside parties, the cost) of their work would suffer. There is no longer any benefit to be gained by imposing a tight procedural schedule on intervenors.

3 notwithstanding. Suggestions of USPS on Modification of Procedural Schedule, November 24, 1998, at 2 [hereinafter "USPS Suggestions"].

³ USPS Suggestions at 3, n.4.

⁴ Id. at 1.

⁵ Tr. 6/1644, lines 1-17.

⁶ USPS Suggestions at 2: "[C]hanges in the hardware and software configurations underway are considerable"

⁷ Id. at 3: "[T]he upgrade of the Mailing Online system to support features desirable for the experiment is now scheduled for delivery in mid-1999."

⁸ MASA's proposed schedule eliminates this problem by setting one date for intervenor testimony.

WHEREFORE, the OCA requests that no firm procedural dates be established until several weeks' worth of reliable Market Test data—particularly depth of sort data—have been filed with the Commission.

Respectfully submitted,



Emmett Rand Costich
Acting Assistant Director
Office of the Consumer Advocate

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.



Emmett Rand Costich
Attorney

Washington, D.C. 20268-0001
November 30, 1998