

ORIGINAL

PRESIDING OFFICER'S  
RULING NO. MC98-1/26  
RECEIVED

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

MAR 8 2 11 PM '99

U.S. DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

Mailing Online Service

Docket No. MC98-1

PRESIDING OFFICER'S RULING GRANTING OFFICE OF THE  
CONSUMER ADVOCATE MOTION FOR ORAL ARGUMENT  
AND FOR EXPEDITED RESPONSES TO MOTIONS

(March 8, 1999)

On March 4, 1999, the Office of the Consumer Advocate (OCA) moved to suspend the procedural schedule and extend the 10-month deadline for issuing a recommended decision. In the same pleading it moved to compel responses to certain interrogatories. OCA Motion to Suspend Procedural Schedule Indefinitely, and to Compel Responses to Interrogatories OCA/USPS-27-36, -39, and -41-61, March 4, 1999 (hereinafter "March 4 Motion"). On March 5, 1999, the OCA moved that the Postal Service be required to file written responses to these motions by noon Wednesday, March 10, and to set the issues raised by these motions for oral argument following the appearance of the OCA witnesses at this week's hearings on the parties' direct cases. Office of the Consumer Advocate Motion for Oral Argument and Motion for Expedited Responses to Motions to Suspend Procedural Schedule and to Compel Responses to Interrogatories March 5, 1999, at 4.

The OCA notes that under the terms of the Commission's Opinion and Recommended Decision recommending a Mailing Online market test, the Postal Service is obligated to file accounting period reports of various expenditures on common costs that benefit Mailing Online. The purpose of that requirement is to enable the parties to argue in their direct cases what the proper treatment of those costs should be. See PRC Op. MC98-1 (Market Test) at 48. The OCA argues that the failure of the Postal Service to file those reports, and its failure to respond to timely



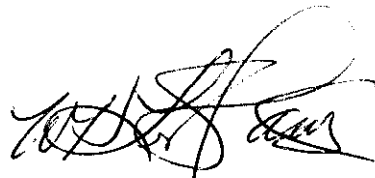
interrogatories addressing the issue of MOL responsibility for common costs, have prevented the parties from presenting evidence in their direct cases on MOL responsibility for common costs. It argues that the statutory 10-month deadline should be extended until the Postal Service provides the required accounting period reports and responds to these interrogatories. March 4 Motion at 1-4.

The OCA argues that an opportunity for oral argument on these issues at this week's hearings would expedite their resolution. It further argues that for oral argument to be effective in resolving these issues, the Postal Service should be required to respond to its motions in writing by noon Wednesday. As the OCA notes, this would shorten the time that the Postal Service would normally be required to respond to the OCA's motion to compel by one day, and shorten the time that it would normally be required to respond to the motion to suspend by four days.

The OCA has offered ample reasons for shortening the normal time allowed for responding to these motions. The Postal Service is directed to respond to them in writing by noon Wednesday, March 10, 1999. The need for expedited resolution of these procedural issues is clear. Oral argument following the appearance of the OCA's witnesses at this week's hearings is likely to help achieve that objective. Accordingly, the Postal Service, OCA, and other participants will be afforded an opportunity to argue these issues orally at that time.

#### RULING

The Office of the Consumer Advocate Motion for Oral Argument and Motion for Expedited Responses to Motions to Suspend Procedural Schedule and to Compel Responses to Interrogatories, filed March 5, 1999, is granted.



W.H. "Trey" LeBlanc III  
Presiding Officer