

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

NOTICE OF MARKET-DOMINANT
PRICE ADJUSTMENT

Docket No. R2015-4

**UNITED STATES POSTAL SERVICE
RESPONSE IN OPPOSITION TO THE MOTION OF THE MPA
FOR EXTENSION OF THE DEADLINE FOR COMMENTS**
(January 29, 2015)

On January 26, 2015, The Association of Magazine Media (“MPA”), and other undersigned parties (collectively “Petitioners”),¹ filed a motion requesting the extension of the February 4, 2015 comment deadline until a complete set of workpapers is filed by the Postal Service.² In particular, Petitioners claim that the Postal Service failed to properly document its billing determinant adjustments, pursuant to 39 C.F.R. § 3010.23(d), reflecting the new price structure for flat-shaped pieces prepared for and entered at FSS locations.³ Petitioners also claim that their ability to review the new FSS price structure is hindered by the Postal Service’s “failing to disclose the DMM rules that will determine eligibility for the new rate cells.”⁴ As discussed in more detail below, these claims do not support the requested extension, and are premature, at best.

First, it is important to note that Petitioners’ request for an extension of the comment deadline is premised on their belief that the Postal Service did not adequately

¹ The undersigned parties include the Alliance of Nonprofit Mailers and the Association for Postal Commerce.

² Motion of MPA – The Association of Magazine Media, Alliance of Nonprofit Mailers and Association for Postal Commerce for Extension of Time to File Comments (hereinafter “Motion of MPA”), PRC Docket No. R2015-4, at 1 (January 26, 2015).

³ *Id.* at 2-3.

⁴ *Id.* at 3.

support/explain billing determinant adjustments related to a single pricing proposal within the market dominant pricing case. Though Petitioners acknowledge that the Commission has requested more detail about the billing determinant adjustments in question three of Chairman's information Request No. 1 ("CHIR1"), they claim that there will not be sufficient time to review the Postal Service's responses (due by January 30, 2015) before the current comment deadline.⁵ Petitioners attempt to bolster this claim by preemptively casting aspersions on the thoroughness of the Postal Service's forthcoming responses.⁶ While Petitioners may ultimately find it necessary to request additional time to review and comment on the Postal Service's responses to question three of CHIR1, the need for additional time to review materials related to a single pricing proposal should not extinguish Petitioners' responsibility to timely file comments on all other pricing proposals presented in, or issues raised by, this Docket.⁷

In that regard, in Docket No. R2013-10, the Association for Postal Commerce ("PostCom") filed timely comments despite the subsequent extension of the comment deadline to address issues related to the implementation of Full Service IMb preparation rules.⁸ PostCom, and the other parties in that case, later filed supplemental comments solely on IMb related issues.⁹ The Postal Service suggests that the Commission adopt a similar approach, and direct the Petitioners to file timely comments on as many pricing

⁵ *Id.* at 3-4.

⁶ *Id.*

⁷ Indeed, Petitioners have not presented any arguments to suggest that additional time is needed to comment on other pricing proposals or issues presented in the Postal Service's Notice of Market Dominant Price Adjustment.

⁸ See, Comments of the Association for Postal Commerce, PRC Docket No. R2013-10 (October 16, 2013) (Commenting on issues relating to residual First-Class Mail and the treatment of promotions and incentives); Motion of MPA, et al. to Extend Comment Period, PRC Docket No. R2013-10 (October 18, 2013); Order No. 1853 - Order Granting Motion to Extend Time for Filing Comments, PRC Docket No. R2013-10 (October 22, 2013).

⁹ See, e.g., Comments of MPA—the Association of Magazine Media, et al. on Price Cap Implications of Rule Mandating Use of Full Service Intelligent Mail Barcode, PRC Docket No. R2013-10 (October 31, 2013).

proposals as possible. Should additional time be required to comment on issued raised by the Postal Service's response to question three of CHIR1, Petitioners may file a particularized motion justifying an extension of the comment deadline to address those specific issues.¹⁰

Additionally, though Petitioners claim that they will not be able to properly review the Postal Service's FSS pricing proposal until the related DMM rules are published,¹¹ the lack of published DMM rules has not prevented parties from filing timely comments in prior market dominant pricing cases. For example, in Docket No. R2013-10, a variety of parties (including PostCom) were able to file timely comments on the Postal Service's pricing proposals, despite the fact that DMM rules were not published in the Federal Register until nine days after the comment deadline in that docket.¹² Should the DMM rules be published after the comment deadline in this Docket, and should those rules raise additional issues for Petitioners to comment on, they may move for permission to supplement their comments at that time.

In short, due to the expedited nature of market dominant pricing cases, it is routine for information requests to have due dates close to or after the public comment period.¹³ Accordingly, until such time as the Petitioners can show that they did not have adequate time to review all materials submitted in response to question three of CHIR1,

¹⁰ The Postal Service does not see why any supplemental comments could not be produced in a few days, given the general expedition of these proceedings.

¹¹ Motion of MPA, at 3.

¹² See, New Mailing Standards for Domestic Mailing Services Products, 78 FED. REG. 63915 (Oct. 25, 2013); Order No. 1842 - Notice and Order on Planned Rate Adjustments and Classification Changes for Market Dominant Postal Products, PRC Docket No. R2013-10, at 16 (September 27, 2013) (establishing October 16, 2013 as the deadline for public comments).

¹³ See, e.g., Chairman's Information Request No. 4, PRC Docket No. R2013-1 (October 25, 2012) (setting a deadline for responses one day before the public comment deadline of October 31, 2012); Chairman's Information Request No. 6, PRC Docket No. R2013-1 (November 2, 2012) (issued after the public comment deadline of October 31, 2012).

they cannot claim that an extension of the comment deadline is necessary in order to provide due process. For these, and the foregoing reasons, the Postal Service believes that the Petitioners' motion is premature and respectfully requests that the Commission deny the Petitioners' request to extend the comment deadline in this Docket.

Respectfully submitted,

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