

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

COMPLAINT ON STAMPED STATIONERY

Docket No. C2004-3

**REPLY OF UNITED STATES POSTAL SERVICE TO  
STATEMENTS AS TO MATERIAL FACTS FILED PURSUANT TO ORDER NO. 1460  
AND MOTION TO SUSPEND THE PROCEEDING**  
(May 4, 2006)

In statements filed pursuant to Order No. 1460, both the complainant and the Commission's Office of the Consumer Advocate (OCA) take the position that there are no issues of material fact that need to be resolved. At the same time, the OCA in its statement asks the Commission to take official notice of a "stamp also currently sold by the Postal Service that is in all pertinent respects for purposes of this proceeding identical to that of 'The Art of Disney: Friendship Stationery styled "Garden Bouquet Stationery.'"<sup>1</sup> On its face, there is a legal conclusion contained in this heretofore unalleged and unanswered factual allegation. In his statement, David Popkin also asserts additional facts and suggests a legal conclusion on the basis of the new allegations.<sup>2</sup> In its "Reply" filed today, the OCA again makes additional factual allegations which also appear to raise questions about the packaging, selling price and

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<sup>1</sup> Office of Consumer Advocate Statement as to Issues of Material Fact at 2 (April 27, 2006).

<sup>2</sup> David B. Popkin Response to Order No. 1460, at 1 (April 28, 2006).

postage value included in the Art of Disney stationery, some of which differ from allegations made and admitted on this record.<sup>3</sup>

When Order No. 1460 was issued, it was the Postal Service's belief that there were no genuine issues of material fact outstanding. At the present time, it is not clear whether or not the allegations of fact made by the participants have altered this situation. The Postal Service believes, regardless, that the state of the record is such that it would be appropriate for the Commission to provide an opportunity for briefing before it proceeds to make a determination on any substantive legal issue raised by the Complaint.

Given the very recent filing of an omnibus rate request, and the pendency of other matters before the Commission, the Postal Service believes it would be beneficial to the participants, as well as the Commission, to suspend this proceeding pending litigation of the omnibus rate case. No harm will be caused by this delay since no stamped stationery issuances at current First-Class Mail rates are planned. The Postal Service will not be issuing stamped stationery at least until after the current rate case is resolved and the resulting rate for the first ounce of First-Class Mail implemented. Thus, the *earliest* that a further stationery issuance could be put into production would be after a Governors' decision on the Commission's recommendation in the current rate case. This leaves more than sufficient time after the litigation phase of the rate case for the participants to assess the state of facts and submit briefs and reply briefs to aid the Commission in its determination on the instant complaint. For these reasons,

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<sup>3</sup> Office of Consumer Advocate Reply to Statement in Response to Commission Order No. 1460, at 2 (May 4, 2006).

the Postal Service moves that the Commission suspend proceedings in this docket pending litigation of Docket No. R2006-1.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

Scott L. Reiter

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

Scott L. Reiter

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