

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

PERIODICALS NOMINAL RATE  
MINOR CLASSIFICATION CHANGE

Docket No. MC2006-5

STATEMENT OF THE UNITED STATES POSTAL SERVICE  
CONCERNING COMPLIANCE WITH FILING REQUIREMENTS  
AND CONDITIONAL MOTION FOR WAIVER  
(July 6, 2006)

In the Compliance Statement (Attachment C) to the Request, the Postal Service has identified information contained in its testimony and supporting documentation intended to satisfy the filing requirements in pertinent provisions of the Commission's Rules of Practice and Procedure (Rules 64 and 69a). The Postal Service has supplemented materials developed specifically for this filing by incorporating documentation that was submitted by the Postal Service in connection with the recently filed omnibus rate proceeding, Docket No. R2006-1. In light of several considerations, the Postal Service believes that most of the specific requirements pertaining to classes of mail and special services are met by incorporating the materials from that rate case.

The proposed change in the definition of nominal rate in DMCS 412.33 would not alter any established rates or fees. The instant request for a minor classification change to the nominal rate definition follows soon after the filing of an omnibus rate case, Docket No. R2006-1, in which the Postal Service's financial condition and supporting data are subject to close examination by a wide range of participants. In fact, little additional information that might be responsive to the Commission's filing

requirements is available. But to the extent additional information is presented, it appears in the testimony of witness Yeh (USPS-T-1). For this reason also, the Compliance Statement, Attachment C to the Request, relies heavily upon materials produced in Docket No. R2006-1. As such, the Commission's filing requirements are adequately addressed through reference to information provided in that proceeding.

In assessing compliance in this regard, substantial weight should be given to the extremely limited nature of the proposed classification change, and the tiny magnitude of its impact on costs, volumes, and revenues in total and for particular mail categories and services. In the event that total cost-revenue relationships might be affected by the changed definition, any changes to those relationships are likely to be so minor as not to warrant amendment of the rate case testimony beyond the additional information provided in this docket.

In the Compliance Statement, we have addressed each filing requirement and indicated which parts of the Postal Service's filing satisfy each rule. We have also incorporated the materials from other dockets by reference. We have addressed the filing requirements applied in connection with requests made pursuant to Rules 64 and 69a.

If the Commission concludes that the materials from other dockets or filed in the instant docket fail to satisfy the filing requirements, and that strict construction of the rules regarding information pertaining to other mail and special services would require testimony supporting that information which was developed specifically with reference to the proposed change in the nominal rate definition, the Postal Service respectfully

moves that those requirements be waived, pursuant to 39 C.F.R. §§ 3001.22, 3001.54(r), 3001.64(h)(3), and 3001.69a.

For the reasons stated above, and the minimal impact of this proceeding upon total costs and revenues, and on the costs, volumes, and revenues of mail categories, this filing does not warrant strict compliance with the filing requirements, and they should be waived.<sup>1</sup> In any case, the Postal Service requests that the Commission confirm that the Postal Service has complied with the filing requirements.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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<sup>1</sup> As reflected in the Compliance Statement, Attachment C to the Request in this case, full or partial waivers are requested with respect to the following rules: 64(b)(1)-(4), 64(c)(1-3), 64(d), 64(h), and 69a(a).