

As noted above, the existing registration scheme includes a provision that automatically makes a person on the register an intervenor in any docket that the Postal Service institutes under these various sets of expedited procedures. The only rationale for this procedure that can be inferred from the administrative history of this rule is that this reduces the delay involved in intervening. For example, there was no thought that registrants should be required to intervene and respond to discovery as a condition of registration, since they were allowed to withdraw as intervenors at any time. See Memorandum of United States Postal Service in Response to Presiding Officer's Ruling No. RM88-2/1 at 7. As a means of accelerating intervention, registration is now obsolete. Under Filing Online, persons interested in intervening may accomplish this almost instantaneously by filing a notice of intervention under a temporary account. See 39 CFR 3001.9(e).

Accordingly, under the revised rules adopted in this order, the provisions found in these four sets of expedited docket rules that contemplate delivery of hardcopy Requests to a list of registrants and their automatic intervention will be deleted.

As noted above, these four sets of expedited procedures currently require the Postal Service to mail a notice to all participants in the most recent omnibus rate case that briefly describes its request, the special rules under which it was filed, and alerts them of the deadline for intervention. This function is also one that can be performed faster and more effectively under the Commission's electronic document handling system. Under the revised rules adopted in this order, the Postal Service must still prepare a notice summarizing its request to institute an expedited docket. Rather than mailing it to all participants in the most recent omnibus rate case, however, the Postal Service will be required only to file that notice online. The Commission will then post the notice on its Daily Listing Page of its Web site, where the public may view it and download it immediately. This will provide those actively monitoring the Daily Listing Page with notice that a request to institute an expedited docket has been filed, and will provide it earlier than under the current notice procedure.

The Commission's electronic document handling system can also provide notice to those who do not actively monitor its website. An important part of that system is the "Document Alert" feature. As discussed above, it allows a person to choose a

notification rule that will result in an e-mail from the Commission when the Postal Service files a request to institute a Commission proceeding of any kind, including an expedited proceeding. Using the "Document Alert" function, an interested person will receive immediate notice of the filing of such a request. The Daily Listing page can then be accessed to view and download either the notice summarizing the request, or the request itself, depending on the person's degree of interest. This electronic notice will be both earlier, and more effective, than receiving a hard copy notice in the mail.

The Commission will soon mail to every person that participated in the most recent omnibus rate case (Docket No. R2001-1) a letter that will specifically describe this use of the "Document Alert" function, and will include a Filing Online User Guide that explains how to take advantage of it.

The implementation of Filing Online makes an additional revision of the rules governing Express Mail Market Response Rate requests appropriate. In order to accelerate motion practice, existing rule 59(e)(4) provides that objections to discovery requests made in such proceedings be made within 10 days of the discovery request, and served "by hand, facsimile, or expedited delivery." There is no comparable provision in the other three sets of expedited procedures addressed by this order. Since filing objections online will provide a faster way to communicate them to the questioning party, these special service requirements will be deleted from rule 59(e)(4).

The minor revisions made in this order to these four sets of expedited procedures conform their filing and service provisions to the general Filing Online rules. They do so while preserving or increasing the expedition that they were originally designed to provide. Since these changes are not prejudicial to the interests of any prospective participants in Commission proceedings, the Commission considers it appropriate to make these revision without first issuing a notice of proposed rulemaking. They will become effective 30 days from the date of this Order.

#### Ordering Paragraphs

*It is ordered:*

1. The revisions to § 3001.59(c) and (e)(4), § 3001.69b(b) through (d), § 3001.163(b) through (d), and § 3001.173(b) through (d) of the Commission's rules of practice, as set forth in the attachment to this order, shall take effect 30 days from their publication in the **Federal Register**.

2. The Secretary shall cause this order to be published in the **Federal Register**. By the Commission.

**Authority:** 39 U.S.C. 3603.

Issued March 7, 2003.

**Steven W. Williams,**  
*Secretary.*

#### List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

For the reasons stated in the accompanying Order, the Commission adopts the following amendments to 39 CFR part 3001.

#### PART 3001—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 3001 continues to read as follows:

**Authority:** 39 U.S.C. 404(b); 3603; 3622-24; 3661; 3662; 3663.

2. Amend § 3001.59 by revising paragraphs (c) and (e)(4) to read as follows:

#### § 3001.59 Market Response Rate Requests—expedition of public notice and procedural schedule.

\* \* \* \* \*

(c)(1) Persons who are interested in participating in Express Mail Market Response Rate Request cases may intervene pursuant to § 3001.20 within 28 days of the filing of a formal request made under the provisions of §§ 3001.57 through 3001.60. Parties may withdraw from a case by filing a notice with the Commission.

(2) When the Postal Service files a request under the provisions of §§ 3001.57 through 3001.60 it shall comply with the standard Filing Online procedures of §§ 3001.9 through 3001.12.

(3) When the Postal Service files a request under the provisions of §§ 3001.57 through 3001.60, it shall on that same day file a notice that briefly describes its proposal. Such notice shall indicate on its first page that it is a notice of an Express Mail Market Response Rate Request to be considered under §§ 3001.57 through 3001.60, and identify the last day for filing a notice of intervention with the Commission.

\* \* \* \* \*

(e) \* \* \*

(4) In order to assist in the rapid development of an adequate evidentiary record, all participants may file appropriate discovery requests on other participants as soon as an Express Mail Market Response Rate Request is filed. Answers to such discovery requests will be due within 10 days. Objections to such discovery requests must be filed