

Service during the spring of 2002 to consider potential improvements in the ratemaking process. The conferences provided a useful public forum to discuss various alternatives intended to make the current process more efficient. In order no. 1355, the Commission addressed the alternatives suggested. Based on participants' written and oral comments, the Commission proposed to amend its rules of practice to require that the Postal Service file roadmap testimony as well as testimony explaining each material methodological change in its filing when submitting formal requests under subparts B and C of the Commission's rules.

The proposed rule is widely supported by mailer-participants, and the OCA. The Postal Service opposes the form of the proposed rule, if not (entirely) its substance. Among other things, the Postal Service expresses concern over any burden that may be associated with the proposed rule. In concluding that the proposed rule, with a minor modification, will facilitate the ratemaking process, the Commission has been particularly mindful of the relative burdens borne by all participants during omnibus rate proceedings. Based on a thorough consideration of the comments received in this proceeding, the Commission concludes that the rules adopted herein represent a reasonable balance among competing interests and will improve the ratemaking process.

Participants are commended for their comments. The Commission has found them useful during its deliberations. The merit of the various suggestions to modify the proposed rule is addressed below. The discussion begins with consideration of the Postal Service's comments.

### 1. Postal Service Comments

*Roadmap testimony.* The Postal Service offers several reasons in support of its contention that the roadmap would be more effective as an institutional document than as testimony. As the "most obvious reason," it questions whether an individual could be sufficiently familiar with the various testimonies to be able to explain them and their interrelationship. Even if such a witness were available, the Postal Service questions the usefulness of the undertaking, including the need to respond to discovery and possibly stand cross-examination. Expanding on this point, the Postal Service expresses concern that there may be confusion as to the proper scope of the roadmap testimony and that of the substantive witnesses, and further that there may be

an increased need to redirect questions among witnesses.<sup>5</sup>

An additional concern voiced by the Postal Service is that a witness would be required to present evidence regarding Commission methodologies. This result, the Postal Service contends, would be inappropriate since the witness would not be sponsoring the PRC version.<sup>6</sup>

The Commission is not persuaded that an institutional roadmap is preferable to testimony. For several reasons, testimony, as opposed to an institutional document, is a more appropriate vehicle for providing an overview of the Postal Service's filing.

A witness is directly responsible for the substance of his or her testimony. Thus, there is a direct accountability that does not attach to an institutional roadmap. Form in this instance matters. Testimony from a single witness is more likely to present the Postal Service's filing as a coherent whole. Furthermore, discovery can be directed to the roadmap witness, an option not available if the roadmap were an institutional document.<sup>7</sup>

Requiring the roadmap to be in the form of testimony does not mean that the witness could not rely on others for assistance in producing the testimony. Rather, as with any testimony, it must be prepared by or under the supervision of the sponsoring witness. This should put to rest any concerns that a single witness would be unable to understand the elements of the Postal Service's filing. Moreover, that an institutional document could be produced belies the suggestion that an individual would be incapable of providing the same information in the form of testimony.

Testimony by a roadmap witness is analogous to that of a policy witness. Each speaks on behalf of the proponent, providing a focal point for its proposal. Thus, including the roadmap testimony as part of the evidentiary record is appropriate. The Postal Service compares the testimony to documents such as the list of library references or of the attorney-witness assignments.<sup>8</sup> Unlike those documents, which simply

identify certain organizational features of the filing, the testimony has substantive value that warrants its treatment as record evidence.

Streamlining the administrative process is central to the proposed rule. The roadmap testimony is intended to provide an overview of the Postal Service's filing by, among other things, explaining the interrelationship of the testimony submitted with the request and describing material methodological changes. This testimony is likely to be the participants' starting point in attempting to understand the Postal Service's filing. Participants will benefit because the testimony will provide a means to quickly grasp the essential elements of the Postal Service's filing and focus on issues of principal concern. This should produce a more focused and comprehensive evidentiary record in the limited time available for § 3624 cases and lead to more informed and cogent decisions by the Commission. Being able to direct clarifying questions to the roadmap witness should facilitate the process, and questions going to the substance of particular matters should more readily be addressed to the witness sponsoring that proposal.<sup>9</sup>

In its comments, the Postal Service notes that it has and is willing to make reasonable efforts to better explain its rate case presentations.<sup>10</sup> In any rate proceeding, the burden initially lies with the proponent. The Commission is sensitive to the issue and recognizes the Postal Service's considerable efforts in rate cases, particularly as relates to discovery. Omnibus rate cases are complex and subject to a very expedited schedule. As a consequence, the burdens imposed on participants are not insignificant. The roadmap testimony attempts to reasonably balance these relative burdens, while also facilitating the ratemaking process. As several comments note, the testimony should help participants focus more quickly on substantive issues.<sup>11</sup> This, in turn, should reduce the Postal Service's burden of responding to discovery, particularly that of an exploratory nature. These efficiencies will redound to the benefit of all stakeholders.

The Postal Service's related contentions that participants may be confused about the scope of the roadmap testimony and that this may cause them to direct interrogatories to

<sup>5</sup> Postal Service Comments at 4.

<sup>6</sup> *Id.* at 5. In its comments, APWU also asserts that the roadmap might best be an institutional document, as some information may be beyond the witness's ken. APWU also expresses concern that roadmap testimony would be subject to discovery and possible oral cross-examination. In urging the use of an institutional roadmap, APWU advocates using informal discovery to clarify matters related to the roadmap. APWU Comments at 1. In its reply comments, PostCom also endorses the Postal Service's position. PostCom Reply Comments at 1.

<sup>7</sup> Questions to the roadmap witness should be of a "where" or "who" nature. Questions of a "why" or "how" nature should be directed to subject matter witnesses.

<sup>8</sup> Postal Service Comments at 6.

<sup>9</sup> In terms of discovery, roadmap testimony should not be perceived as something more than is intended. Participants should endeavor to address interrogatories concerning the substantive aspects of the matter to the appropriate witness.

<sup>10</sup> Postal Service Comments at 2.

<sup>11</sup> See Joint Comments at 2; UPS Comments at 2.