

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 202680001

RATE ADJUSTMENT DUE TO EXTRAORDINARY OR  
EXCEPTIONAL CIRCUMSTANCES

Docket No. R2013-11R

**OPPOSITION OF  
THE GREETING CARD ASSOCIATION AND THE  
THE NATIONAL POSTAL POLICY COUNCIL  
TO MOTION FOR LEAVE TO REPLY**

(July 20, 2015)

On July 16, 2015, the Postal Service filed a “Motion . . . for Leave to Reply to GCA’s Opposition to Postal Service Motion to Strike” (“Motion for Leave”), to which it attached a proposed Reply. This Motion should be denied.

The Greeting Card Association (“GCA”) and the National Postal Policy Council (“NPPC”) sufficiently demonstrated in our Opposition why the Service’s Motion to Strike should be denied. The Reply the Postal Service now wishes to file is the type of pleading discouraged by the final sentence of Rule 21(b), as the Service’s Motion for Leave implicitly recognizes.

In this case, there is every reason to uphold the policy of Rule 21(b) that motion practice must come to an end. We and other commenters have emphasized the importance of concluding this proceeding expeditiously.<sup>1</sup> The

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<sup>1</sup> See Comments of the Greeting Card Association and the National Postal Policy Council at 1-2 (June 26, 2015); Initial Comments of the Association for Postal Commerce, *et al.* at 2, 14 (June 26, 2015).

Postal Service now offers to prolong the dispute, while presenting nothing substantially new. It repeats its assertion that there are “simple, obvious, and egregious errors”<sup>2</sup> in the GCA/NPPC implementation of the methodology described in our initial Comments. But – eight days after filing its Motion to Strike – it still does not specify what it believes they are.<sup>3</sup>

As we have pointed out, the Postal Service’s July 6 Reply Comments devoted more than 14 pages to criticizing the GCA/NPPC methodology as presented in our initial Comments. Its Motion to Strike added its claim of “fundamental errors (including computational errors)”<sup>4</sup> in the GCA/NPPC implementation of our methodology, and it now seeks a third chance to elaborate, if not very helpfully, on its litany of criticisms.

One obvious inference from the course of the motion practice thus far is that the Postal Service, contrary to its earlier assertions, has had ample opportunity to understand and evaluate, from its own viewpoint, the GCA/NPPC presentation. It asserts the existence of errors with such an appearance of certainty that its “due process” claim becomes highly questionable.<sup>5</sup> A party that

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<sup>2</sup> Motion of the United States Postal Service to Strike New Analyses Improperly Submitted in reply Comments by GCA/NPPC and Valpak, at 2 (July 8, 2015) (“*Motion to Strike*”).

<sup>3</sup> The Postal Service’s excuse for this omission is, to put it no more strongly, unconvincing. Leaving out a specification of the errors lest it “foreclose[ ] the ability of the Commission (if it wished) to keep the discussion limited to the procedural level” – gives the Commission scant credit for being able to sort out the issues raised by a pleading and decide only those it considers ripe for determination. See Motion for Leave, at 2.

<sup>4</sup> *Motion to Strike* at 3.

<sup>5</sup> On a related point, we have already explained how the Postal Service’s assertion that commenters had a “duty” to supply their quantifications at the first opportunity seriously

believes it is able, two days after another party's comments have been filed, to assert the presence in them of "fundamental errors (including computational errors)" cannot credibly complain of lack of opportunity to understand them.

Consequently, GCA and NPPC respectfully urge the Commission to deny the Motion for Leave.

Respectfully submitted,

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mischaracterized Order No. 864. See Opposition of the Greeting Card Association and the National Postal Policy Council to Motion To Strike at 3, n.4 (July 14, 2015).