

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes

Docket No. R2005-1

PRESIDING OFFICER'S RULING  
GRANTING MOTIONS

(Issued June 23, 2005)

This Ruling grants two motions and provides the Postal Service with an opportunity to respond to an additional pleading submitted by the Office of the Consumer Advocate (OCA).

On June 22, 2005, the Postal Service requested permission to file one day late its response to an OCA motion to compel.<sup>1</sup> In support, the Postal Service states that renovations of Law Department offices disrupted the normal work routine, precluding a timely response. It expects to file a response today. The Postal Service indicates that the OCA does not oppose its motion.

On June 22, 2005, the OCA moved for permission to file a reply to the Postal Service's response to an earlier OCA motion to compel.<sup>2</sup> In support, the OCA states that the Postal Service's response raises new grounds that could not have been anticipated from its objection, filed May 24, 2005. The arguments that OCA seeks to

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<sup>1</sup> Motion of the United States Postal Service for Permission to File One Day Late Its Response to the Motion of the Office of the Consumer Advocate to Compel Responses to OCA/USPS-60 and 118, June 22, 2005.

<sup>2</sup> Office of the Consumer Advocate Motion to Request Permission to File a Reply to the Postal Service's Response to the OCA Motion to Compel Responses to Interrogatories OCA/USPS-43-54 and OCA/USPS-T6-14, June 22, 2005. Concurrently, OCA did file its reply. See Office of the Consumer Advocate Reply to the Postal Service's Response to the OCA Motion to Compel Responses to Interrogatories OCA/USPS-43-54 and OCA/USPS-T6-14, June 22, 2005 (OCA Reply).

address include statements about the net income of the services at issue, passport photos, and Mailing Online services.

The OCA's motion to compel responses to OCA/USPS-43-54 and OCA/USPS-T6-14 and the Postal Service's response are otherwise ripe for decision; however, the issues presented have significant implications. The OCA recognizes that its request is extraordinary.<sup>3</sup> Without deciding whether or not the arguments the OCA seeks to address are "new," it is evident that the subject matter is germane to the issues presented and additional pleadings may assist in developing an appropriate ruling. Under these circumstances, the motion is granted. In light of this, the Postal Service may, if it desires, respond to the OCA's Reply. The response, if any, is due no later than June 28, 2005.

#### RULING

1. The Motion of the United States Postal Service for Permission to File One Day Late Its Response the Motion to of the Office of the Consumer Advocate to Compel Responses to OCA/USPS-60 and 118, filed June 22, 2005, is granted.
2. The Office of the Consumer Advocate Motion to Request Permission to File a Reply to the Postal Service's Response to the OCA Motion to Compel Responses to Interrogatories OCA/USPS-43-54 and OCA/USPS-T6-14, filed June 22, 2005, is granted.
3. The Postal Service may respond to the OCA Reply on or before June 28, 2005.

George Omas  
Presiding Officer

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<sup>3</sup> *Id.* at 1.