

DOCKET SECTION

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PRESIDING OFFICER'S  
RULING NO. R97-1/44  
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UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING  
GRANTING MOTIONS FOR LATE ACCEPTANCE

(October 10, 1997)

The Postal Service has filed a number of requests to submit discovery responses out of time.

Witness Nieto provided responses to interrogatories of the Florida Gift Fruit Shippers Association one day out of time.<sup>1</sup> The response was delayed due to the need to perform an unanticipated and significant amount of background analysis. Postal Service counsel contacted counsel for FGFSa and advised of the delay. I will grant this motion.

Witness Alexandrovich provided responses to interrogatories from Magazine Publishers of America and redirected interrogatories from American Business Press.<sup>2</sup> The Postal Service states that this delay was caused by the press of other discovery which caused the responses to be prepared too late for copying and filing on the due date. I will grant these motions.

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<sup>1</sup> Response of United States Postal Service Witness Nieto to Interrogatories of the Florida Gift Fruit Shippers Association and Motion for Late Acceptance (FGFSa/USPS-T2-48-55), filed October 1, 1997.

<sup>2</sup> Response of United States Postal Service Witness Alexandrovich to Interrogatories of Magazine Publishers of America and Motion for Late Acceptance (MPA/USPS-T5-2 and 3), filed October 1, 1997; and Response of United States Postal Service Witness Alexandrovich to Interrogatories of American Business Press Redirected from Witness Bradley (USPS-T13) and Motion for Late Acceptance (ABP/USPS-T13-7(a) and 13), filed October 2, 1997.

On October 1, 1997, the Postal Service filed three motions for late acceptance of interrogatory responses from witness Panzar.<sup>3</sup> In each instance, the Postal Service indicated that the delay in responding was due to the high volume of interrogatories and the teaching schedule of the witness. I will accept these late responses.

The Postal Service filed three motions for late acceptance of interrogatory responses of witness Miller on October 2, 1997.<sup>4</sup> The Postal Service states that although these responses were prepared in order to be timely filed, the Service had no record of having filed the responses. In order to mitigate any harm, counsel sent facsimile copies of the responses to NAA and OCA counsel on October 2, 1997. I will grant these motions.

Witness Schenk provided late responses to several interrogatories to the Direct Marketing Association, Nashua/District/Mystic/Seattle and the Office of the Consumer Advocate.<sup>5</sup> The late filing of these responses was occasioned by witness Schenk's workload and travel schedule. In the case of the DMA and NDMS interrogatories, Postal Service counsel forwarded copies via facsimile to mitigate any prejudice.

On October 3, 1997, the Postal Service filed a motion for late acceptance of witness O'Hara's responses to interrogatories.<sup>6</sup> The responses are being filed two days

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<sup>3</sup> Response of United States Postal Service Witness Panzar to Interrogatories of the Newspaper Association of America and Motion for Late Acceptance (NAA/USPS-T11-6-10); Response of United States Postal Service Witness Panzar to Interrogatories of the Florida Gift Fruit Shippers Association and Motion for Late Acceptance (FGFSA/USPS-T11-1-3); and Response of United States Postal Service Witness Panzar to Interrogatories of Advo, Inc. and Motion for Late Acceptance (ADVO/USPS-T11-1-8).

<sup>4</sup> Responses of United States Postal Service Witness Miller to Interrogatories of the Newspaper Association of America and Motion for Late Acceptance (NAA/USPS-T23-1-2); Responses of the United States Postal Service to Interrogatories of the Office of the Consumer Advocate Redirected from Witness Miller and Motion for Late Acceptance (OCA/USPS-T23-1 and 2); and Responses of United States Postal Service Witness Miller to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T23-3-7).

<sup>5</sup> Responses of United States Postal Service Witness Schenk to Interrogatories of Direct Marketing Association and Motion for Late Acceptance (DMA/USPS-T27-1-3), filed October 6, 1997; Responses of United States Postal Service Witness Schenk to Interrogatories of Nashua, District, Mystic & Seattle and Motion for Late Acceptance (NDMS/USPS-T27-1, 2a, 4a and 5), filed September 30, 1997; and Responses of United States Postal Service Witness Schenk to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T27-1-6), filed October 1, 1997.

<sup>6</sup> Response of United States Postal Service Witness O'Hara to Interrogatories of ABA & EEI & NAPM and Motion for Late Acceptance (ABA & EEI & NAPM/USPS-T30-2-4, 6-17)

out of time. To mitigate any inconvenience, Postal Service counsel provided copies via facsimile to ABA counsel. I will grant this motion.

Witness Fronk provided responses to several Office of the Consumer Advocate interrogatories on October 1 and October 6, 1997, accompanied by motions for late acceptance.<sup>7</sup> In all instances the cited interrogatories required consultation with other Headquarters personnel, which caused the delay in responding. I will grant these motions.

The Postal Service provided responses of witness Alexandrovich one day out of time.<sup>8</sup> Once again the interrogatory required coordination with other groups which caused the delay in responding. I will grant this motion.

Witness Taufique provided responses to McGraw Hill Companies interrogatories one day late.<sup>9</sup> These responses were completed in a timely fashion, but were completed too late in the day for printing and distribution. I will grant this motion.

Presiding Officer's Ruling R97-1/21 set September 29, 1997 as the due date for numerous interrogatories forwarded to Postal Service witnesses by intervenor Popkin. The Postal Service filed the responses of witness Mayes to subparts of interrogatory 38 one day out of time.<sup>10</sup> The Postal Service indicates this delay was due to coordination problems engendered by the format of the interrogatories. I will grant this motion.

The Postal Service as an institution has filed several interrogatory responses out of time.<sup>11</sup> The Postal Service states that these delays were caused by the press of

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<sup>7</sup> Responses of the United States Postal Service to Interrogatories of the Office of the Consumer Advocate and Motion for late Acceptance (OCA/USPS-T32-12 through 16, 36, 65, 77, 126), Response of the United States Postal Service to Interrogatory of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T32-119).

<sup>8</sup> Response of United States Postal Service Witness Alexandrovich to Interrogatories of United Parcel Service Redirected from Witness Sharkey and Motion for Late Acceptance (UPS/USPS-T33-68-70), filed October 2, 1997.

<sup>9</sup> Response of United States Postal Service Witness Taufique to Interrogatory of the McGraw Hill Companies, Inc. (MH/USPS-T34-1-6), and Motion for Late Acceptance, filed October 2, 1997.

<sup>10</sup> Motion for Late Acceptance and Response of United States Postal Service Witness Mayes to Interrogatories of David B. Popkin Redirected from the Postal Service (DBP/USPS-38(M)-(Q), (S)-(AA)), filed September 30, 1997.

<sup>11</sup> Response of United States Postal Service to Interrogatory of Magazine Publishers of America and Motion for Late Acceptance (MPA/USPS-2), filed October 1, 1997; Response of United States Postal

discovery, the need to coordinate with other personnel at Headquarters and delay in preparation. I will grant these motions.

#### RULING

1. Response of United States Postal Service Witness Nieto to Interrogatories of the Florida Gift Fruit Shippers Association and Motion for Late Acceptance (FGFSA/USPS-T2-48-55), filed October 1, 1997, is granted.

2. Response of United States Postal Service Witness Alexandrovich to Interrogatories of Magazine Publishers of America and Motion for Late Acceptance (MPA/USPS-T5-2 and 3), filed October 1, 1997, is granted.

3. Response of United States Postal Service Witness Alexandrovich to Interrogatories of American Business Press Redirected from Witness Bradley (USPS-T13) and Motion for Late Acceptance (ABP/USPS-T13-7(a) and 13), filed October 2, 1997, is granted.

4. Response of United States Postal Service Witness Panzar to Interrogatories of the Newspaper Association of America and Motion for Late Acceptance (NAA/USPS-T11-6-10), filed October 1, 1997, is granted.

5. Response of United States Postal Service Witness Panzar to Interrogatories of the Florida Gift Fruit Shippers Association and Motion for Late Acceptance (FGFSA/USPS-T11-1-3), filed October 1, 1997, is granted.

6. Response of United States Postal Service Witness Panzar to Interrogatories of Advo, Inc. and Motion for Late Acceptance (ADVO/USPS-T11-1-8), filed October 1, 1997, is granted.

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Service to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-81-83 and 86), filed October 7, 1997; Response of the United States Postal Service to Interrogatory of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-34), filed October 1, 1997; and Responses of the United States Postal Service to Interrogatories of David Popkin and Motion for Late Acceptance (DBP/USPS-13(h)-(l)), filed October 6, 1997.

7. Responses of United States Postal Service Witness Miller to Interrogatories of the Newspaper Association of America and Motion for Late Acceptance (NAA/USPS-T23-1-2), filed October 2, 1997, is granted.

8. Responses of the United States Postal Service to Interrogatories of the Office of the Consumer Advocate Redirected from Witness Miller and Motion for Late Acceptance (OCA/USPS-T23-1 and 2), filed October 2, 1997, is granted.

9. Responses of United States Postal Service Witness Miller to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T23-3-7), filed October 2, 1997, is granted.

10. Responses of United States Postal Service Witness Schenk to Interrogatories of Direct Marketing Association and Motion for Late Acceptance (DMA/USPS-T27-1-3), filed October 6, 1997, is granted.

11. Responses of United States Postal Service Witness Schenk to Interrogatories of Nashua, District, Mystic & Seattle and Motion for Late Acceptance (NDMS/USPS-T27-1, 2a, 4a and 5), filed September 30, 1997, is granted.

12. Responses of United States Postal Service Witness Schenk to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T27-1-6), filed October 1, 1997, is granted.

13. Response of United States Postal Service Witness O'Hara to Interrogatories of ABA & EEI & NAPM and Motion for Late Acceptance (ABA & EEI & NAPM/USPS-T30-2-4, 6-17), filed October 3, 1997, is granted.

14. Responses of the United States Postal Service to Interrogatories of the Office of the Consumer Advocate and Motion for late Acceptance (OCA/USPS-T32-12 through 16, 36, 65, 77, 126), filed October 1, 1997, is granted.

15. Response of the United States Postal Service to Interrogatory of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T32-119), filed October 6, 1997, is granted.

16. Response of United States Postal Service Witness Alexandrovich to Interrogatories of United Parcel Service Redirected from Witness Sharkey and Motion for Late Acceptance (UPS/USPS-T33-68-70), filed October 2, 1997, is granted.

17. Response of United States Postal Service Witness Taufique to Interrogatory of the McGraw Hill Companies, Inc. (MH/USPS-T34-1-6), and Motion for Late Acceptance, filed October 2, 1997, is granted.

18. Motion for Late Acceptance and Response of United States Postal Service Witness Mayes to Interrogatories of David B. Popkin Redirected from the Postal Service (DBP/USPS-38(M)-(Q), (S)-(AA)), filed September 30, 1997, is granted.

19. Response of United States Postal Service to Interrogatory of Magazine Publishers of America and Motion for Late Acceptance (MPA/USPS-2), filed October 1, 1997, is granted.

20. Response of United States Postal Service to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-81-83 and 86), filed October 7, 1997, is granted.

21. Response of the United States Postal Service to Interrogatory of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-34), filed October 1, 1997, is granted.

22. Responses of the United States Postal Service to Interrogatories of David Popkin and Motion for Late Acceptance (DBP/USPS-13(h)-(l)), filed October 6, 1997, is granted.



Edward J. Gleiman  
Presiding Officer