

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

Postal Rate and Fee Changes

Docket No. R2006-1

PRESIDING OFFICER'S RULING ON
MOTIONS OF MAGAZINE PUBLISHERS OF AMERICA, INC. AND
ALLIANCE OF NONPROFIT MAILERS FOR LEAVE TO FILE
INTERROGATORIES

(Issued July 24, 2006)

Two participants — Magazine Publishers of America, Inc. and Alliance of Nonprofit Mailers — jointly move, in separate but related pleadings, for leave to file seven interrogatories after the July 14 discovery date established in Presiding Officer's Ruling No. R2006-1/12.¹ The interrogatories are directed to Postal Service witness Tang (USPS-T-35), who presents the Postal Service's Periodicals rate and classification proposals in this case.²

The Joint Movants contend that good cause exists for allowing the interrogatories to be filed given, among other things, the later-than-anticipated filing of witness Tang's errata, the incorporation of errata filed by another witness, and the emergence of a

¹ See Motion of Magazine Publishers of America, Inc., and Alliance of Nonprofit Mailers for Leave to File Interrogatories Concerning July 13 Errata of USPS, July 18, 2006 (First Joint Motion), and Motion of Magazine Publishers of America, Inc., and Alliance of Nonprofit Mailers for Leave to File Further Interrogatories Concerning July 13 Errata of USPS, July 20, 2006 (Second Joint Motion). The Second Joint Motion incorporates by reference the First Joint Motion. See Second Joint Motion at 1. These filings are collectively referred to as Joint Motions; Magazine Publishers of America, Inc. and Alliance of Nonprofit Mailers are also referred to as Joint Movants.

² MPA/USPS-T35-18-22 (identified in First Joint Motion) and MPA/USPS-T35-23-24 (identified in Second Joint Motion).

variety of methodological issues.³ First Joint Motion at 1-2. They also note that questions 23 and 24 seek clarification of apparent computational errors in the errata. Second Joint Motion at 1.

The ruling that established the initial discovery deadline allowed for the possibility that limited adjustments might be needed in certain circumstances.⁴ Having considered the reasons cited by the Joint Movants, the prompt filing of their motions, the limited number and clear relevance of the interrogatories involved, I find that due process warrants the filing of the interrogatories referenced in the Joint Motions. The Joint Motions are therefore granted, subject to the Postal Service's right to file a motion for reconsideration.⁵ Given the nearness of hearings on the Service's direct case, I also encourage the Postal Service to expedite the filing of responses to the Joint Movants' interrogatories.

RULING

1. Motion of Magazine Publishers of America, Inc., and Alliance of Nonprofit Mailers for Leave to File Interrogatories Concerning July 13 Errata of USPS, filed July 18, 2006, is granted, subject to the Service's right to file a motion for reconsideration.
2. Motion of Magazine Publishers of America, Inc., and Alliance of Nonprofit Mailers for Leave to File Further Interrogatories Concerning July 13 Errata of USPS, filed July 20, 2006, is granted, subject to the Service's right to file a motion for reconsideration.

³ The Service acknowledged the need for errata on June 1, 2006 and indicated that it would be filed shortly; erratum were filed on July 13, 2006, one day before the initial discovery deadline: Notice of United States Postal Service of Filing of Errata to Testimony of Witness Tang (USPS-T-35) [Errata], and Notice of United States Postal Service of Filing of Errata to Library Reference L-126 [Errata].

⁴ Presiding Officer's Ruling No. R2006-1/12 at 4.

⁵ This condition attaches because this ruling is being issued prior to the expiration of the 7-day period for filing answers to the Joint Motions.

3. The Postal Service is encouraged to expedite the filing of its responses to MPA/USPS-T35-18-24.

George Omas
Presiding Officer