

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

Complaint of Capital One Services, Inc.

Docket No. C2008-3

PRESIDING OFFICER'S RULING
ESTABLISHING PROCEDURAL SCHEDULE
AND RULING ON MISCELLANEOUS MOTIONS

(Issued March 30, 2009)

A second prehearing conference in this case convened on March 3, 2009 to ascertain the status of discovery and the participants' expectations for bringing this case to a conclusion. Prior to that prehearing conference, the principal participants suggested a procedural schedule which "attempts to outline the future direction and course of the proceeding within the framework created by current Commission rules."¹

The procedural schedule proposed in the Motion was discussed during the prehearing conference. All Commissioners expressed concern that this case has been ongoing for several months with participant reports not indicating substantial progress. Participants were strongly encouraged to accelerate the deadlines presented in the proposed schedule and inform the Commission accordingly. In response, the principal participants filed the Joint Proposal of the United States Postal Service and Capital One Services, Inc. of Procedural Schedule, March 27, 2009.

The new proposal improves the procedural schedule by moving the final dates for this docket forward by three weeks. The procedural schedule adopted herein

¹ Joint Motion of the United States Postal Service and Capital One Services, Inc. Proposing Procedural Schedule, March 2, 2009, at 1 (Motion).

generally follows the proposal, although specific dates are modified slightly to accommodate conflicting Commission activities and holidays. To be clear, the filing of rebuttal testimony shall include the Postal Service's rebuttal testimony, and the rebuttal testimony of any other interested participant. The schedule adopted for the remainder of this proceeding appears after the signature of this Ruling.

Miscellaneous Motions.

1. Consent Motion of Capital One Services, Inc. for Extension of Time to File Motions to Compel Responses to Interrogatories COS/USPS 27-44 was filed on March 27, 2008. Capital One requests an extension of time until April 17, 2009, to file related motions to compel. Capital One represents that the Postal Service consents to the motion. This motion is granted.

2. The Postal Service has filed the following motions for late acceptance:

(a) Motion for Late Acceptance of Status Report of the United States Postal Service Regarding Supplement to Privilege Log, January 5, 2009.

(b) Motion of the United States Postal Service for Late Acceptance of Response to Interrogatory of Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. (VP/USPS-1), March 20, 2009.

(c) Motion of the United States Postal Service for Late Acceptance of Response to Interrogatory of Public Representative (PR/USPS-12), March 20, 2009.

(d) Motion for Late Acceptance of Responses of the United States Postal Service to Interrogatories of Capital One Services, Inc. (COS/USPS-42-43), March 23, 2009.

These motions are granted.

RULING

1. The procedural schedule adopted for the remainder of this proceeding appears after the signature of this Ruling.
2. Consent Motion of Capital One Services, Inc. for Extension of Time to File Motions to Compel Responses to Interrogatories COS/USPS 27-44, March 27, 2008, is granted.
3. The motions for late acceptance specified in the body of this ruling are granted.

Dan G. Blair
Presiding Officer

PROCEDURAL SCHEDULE

Docket No. C2008-3

(March 30, 2009)

Conclusion of initial discovery period	April 20, 2009
Filing of Capital One's direct case	May 11, 2009
Conclusion of discovery on Capital One's direct case	May 22, 2009
Hearing on Capital One's direct case (9:30 AM, Commission's hearing room)	June 4, 2009
Filing of rebuttal testimony (Postal Service and others)	June 12, 2009
Hearing on rebuttal testimony (9:30 AM, Commission's hearing room)	June 18, 2009
Filing of initial briefs	June 26, 2009
Filing of reply briefs	July 2, 2009