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PRESIDING OFFICER'S  
RULING NO. R97-1/100

POSTAL REGULATORY  
OFFICE

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING  
GRANTING MOTIONS FOR LATE ACCEPTANCE

(February 19, 1998)

On February 13, 1998, the American Bankers Association, Edison Electric Institute, and National Association of Presort Mailers (ABA/EEI/NAPM) filed four motions for late acceptance of responses to interrogatories directed to witness Clifton.<sup>1</sup> In each instance the two-day delay was occasioned by the difficulty of coordinating schedules of individuals concerned with the preparation of the responses. I will grant these motions.

Nashua Photo Inc., District Photo, Inc., Mystic Color Lab, and Seattle Filmworks, Inc., filed the responses of witness Haldi one day out of time, accompanied by a motion

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<sup>1</sup> Motion to Accept Late-Filed Responses and Responses of ABA/EEI/NAPM Witness Clifton to Interrogatories of Advo, Inc. (Advo/ABA, et al.-T1-1-7); Motion to Accept Late-Filed Response and Response of ABA/EEI/NAPM to Interrogatory of Nashua Photo, Inc., et al. (NDMS/ABA/EEI/NAPM-T1-1); Motion to Accept Late-Filed Responses and Responses of ABA/EEI/NAPM Witness Clifton to Interrogatories of the United States Postal Service (USPS/ABA/EEI/NAPM-T1-19-40); and Motion to Accept Late-Filed Responses and Responses of ABA/EEI/NAPM Witness Clifton to Interrogatories of Val-Pak Direct Marketing Systems, Inc., et al. (VP/CW/ABA/EEI/NAPM-T1-1-9).

for late acceptance.<sup>2</sup> Dr. Haldi also presents testimony on behalf of Val-Pak Direct Marketing Systems, Inc., Val-Pak Dealers' Association, Inc., and Carol Wright Promotions, Inc. and on February 13, 1998, responses to interrogatories directed to his testimony on their behalf, was accompanied by a motion for late acceptance.<sup>3</sup> In both cases, the delays were a result of the number and complexity of interrogatories directed to Dr. Haldi. I will grant these motions.

On February 17, 1998, the National Federation of Nonprofits filed a request for late acceptance of responses to interrogatories directed to witness Emigh.<sup>4</sup> NFN indicates that the delay in responding was caused by the delay in transmitting witness Emigh's responses from St. Louis. I will grant NFN's motion.

The Saturation Mail Coalition (SMC) filed a motion for late acceptance of the responses of witness Buckel to interrogatories from AAPS.<sup>5</sup> Counsel for SMC indicates that the delay was a result of a delay in receipt of the interrogatories, coupled with witness Buckel's other commitments. Counsel states that AAPS does not oppose this motion. I will grant the motion.

United Parcel Service (UPS) on February 13, 1998 filed a Notice by United Parcel Service of Late Service of Interrogatory Responses, indicating that the responses of witness Henderson to interrogatories from the Postal Service (USPS/UPS-T3-4 through 5) were inadvertently omitted from documents served on

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<sup>2</sup> Nashua Photo Inc., District Photo Inc., Mystic Color Lab, and Seattle Filmworks, Inc. Motion for Late Acceptance of the Responses to Interrogatories of the United States Postal Service (USPS/NDMS-T2-15-31), filed February 12, 1998.

<sup>3</sup> Val-Pak Direct Marketing Systems, Inc., Val-Pak Dealers' Association, Inc., and Carol Wright Promotions, Inc., Motion for Late Acceptance of the Responses to Interrogatories of the United States Postal Service (USPS/VP/CW-T1-1-25).

<sup>4</sup> Responses of National Federation of Nonprofits (NFN) Witness Emigh to Interrogatories of United States Postal Service (USPS/NFN-T1-1-25), and Request for Late Acceptance.

<sup>5</sup> Responses of Saturation Mail Coalition Witness Harry J. Buckel to Interrogatories of the Association of Alternate Postal Systems (AAPS/SMC-T1-1-19) and Motion to Accept Responses One Day Late, filed February 11, 1998.

participants on February 11, 1998. UPS regrets the delay, but to mitigate the delay, it served the Postal Service and the Office of the Consumer Advocate by personal delivery. I will grant the UPS motion.

#### RULING

1. The Motion to Accept Late-Filed Responses and Responses of ABA/EEI/NAPM Witness Clifton to Interrogatories of Advo, Inc. (Advo/ABA, et al.-T1-1-7), filed February 13, 1998, is granted.

2. The Motion to Accept Late-Filed Response and Response of ABA/EEI/NAPM to Interrogatory of Nashua Photo, Inc., et al. (NDMS/ABA/EEI/NAPM-T1-1), filed February 13, 1998, is granted.

3. The Motion to Accept Late-Filed Responses and Responses of ABA/EEI/NAPM Witness Clifton to Interrogatories of the United States Postal Service (USPS/ABA/EEI/NAPM-T1-19-40), filed February 13, 1998, is granted.

4. The Motion to Accept Late-Filed Responses and Responses of ABA/EEI/NAPM Witness Clifton to Interrogatories of Val-Pak Direct Marketing Systems, Inc., et al. (VP/CW/ABA/EEI/NAPM-T1-1-9), filed February 13, 1998, is granted.

5. The Nashua Photo Inc., District Photo Inc., Mystic Color Lab, and Seattle Filmworks, Inc. Motion for Late Acceptance of the Responses to Interrogatories of the United States Postal Service (USPS/NDMS-T2-15-31), filed February 12, 1998, is granted.

6. The Val-Pak Direct Marketing Systems, Inc., Val-Pak Dealers' Association, Inc., and Carol Wright Promotions, Inc., Motion for Late Acceptance of the Responses to Interrogatories of the United States Postal Service (USPS/VP/CW-T1-1-25), filed February 13, 1998, is granted.

7. The Responses of National Federation of Nonprofits (NFN) Witness Emigh to Interrogatories of United States Postal Service (USPS/NFN-T1-1-25), and Request for Late Acceptance, filed February 17, 1998, is granted.

8. The Responses of Saturation Mail Coalition Witness Harry J. Buckel to Interrogatories of the Association of Alternate Postal Systems (AAPS/SMC-T1-1-19) and Motion to Accept Responses One Day Late, filed February 11, 1998, is granted.

9. The Notice by United Parcel Service of Late Service of Interrogatory Responses, filed February 13, 1998, is granted.

  
Edward J. Gleiman  
Presiding Officer