

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Postal Rate Commission  
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POSTAL RATE AND FEE CHANGES, 2005 )

Docket No. R2005-1

VALPAK DIRECT MARKETING SYSTEMS, INC. AND  
VALPAK DEALERS' ASSOCIATION, INC.  
MOTION FOR EXTENSION OF TIME TO FILE DIRECT TESTIMONY  
(July 6, 2005)

On May 19, 2005, the Presiding Officer issued the procedural schedule in this docket in Presiding Officer's Ruling No. R2005-1/11. That Ruling established Thursday, July 14, 2005 as the deadline to file "[t]he direct testimony of the participants including rebuttal to the Postal Service...." Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. ("Valpak") hereby request the Commission to extend the time to file their direct testimony by three business days, to Tuesday, July 19, 2005. Valpak's request is necessitated by various delays in conducting discovery against the Postal Service's direct case, as well as practical considerations involving the short amount of time between the end of the hearings on the Postal Service's direct case (Friday, July 8, 2005) and the current deadline for the direct testimony (Thursday, July 14, 2005), as discussed below.

The Postal Service has been late with many of its responses to interrogatories, as evidenced by one late response made without benefit of a motion for leave (*i.e.*, Further Responses of witness Tayman filed on June 22, 2005), as well as 10 motions for late filing:

- Motion of the United States Postal Service for Acceptance of Late-Filed Responses to Interrogatories of Valpak (VP/USPS-T2-28-30) (July 1, 2005)
- Motion for Late Acceptance of the Response of the United States Postal Service to Interrogatories of Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc., Redirected from Witness Taufique (VP/USPS-T28-49-50) (June 30, 2005)

- Motion of the United States Postal Service for Late Acceptance of Response of Postal Service Witness Lewis to Interrogatory of Valpak (VP/USPS-T30-21) (June 17, 2005)
- Motion of the United States Postal Service for Acceptance of Late-Filed Response to Interrogatories of Valpak [VP/USPS-T28-46(b-f)] (June 15, 2005)
- Motion of the United States Postal Service for Late Acceptance of Responses of Postal Service Witness Lewis to Interrogatories of Valpak (VP/USPS-T30-22-23) (June 13, 2005)
- Motion of the United States Postal Service for Late Acceptance of the Responses of Witness Kelley to Valpak Interrogatories (VP/USPS-T16-12, 14, 19-29) (June 9, 2005)
- Motion of the United States Postal Service for Late Acceptance of Its Responses to Valpak Interrogatories (VP/USPS-1-6) (June 9, 2005)
- Motion of the United States Postal Service for Late Acceptance of Response to Valpak Interrogatory (VP/USPS-T4-1) (May 18, 2005)
- Motion of the United States Postal Service for Late Acceptance of Interrogatory of Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc., Redirected from Witness Lewis (VP/USPS-T30-18) (May 9, 2005)
- Motion of the Postal Service for Late Acceptance of Responses to Interrogatories of Valpak (VP/USPS-T30-1-17, 19-20) (May 9, 2005)

Additionally, many errata to key testimony, library references, and interrogatory responses important to Valpak's interests have been filed at various times, causing further work and delay in understanding the Postal Service's case-in-chief.

Further, hearings on the Postal Service's direct case will conclude on Friday, July 8, 2005. The very earliest that a transcript of the final hearing on July 8, 2005 may be available is Monday, July 11, 2005, and we are advised that a transcript may not be available on the next business day. Once the transcript of the final hearing is made available in Washington, D.C., it simply cannot be in the hands of Valpak's expert witness in New York City until either Tuesday (July 12, 2005), or Wednesday (July 13, 2005). Thus, with direct testimony due on Thursday (July 14, 2005), there is simply not enough time between receipt of the

transcripts of the cross-examination of critical mail processing and delivery cost witnesses (July 12 or 13, 2005) and the date on which the direct testimony on those cost issues is due.

Finally, Valpak's motion to compel a response to interrogatories to witness Taufique, VP/USPS-T27-23-27, 48, and 51, is currently pending with the Commission. *See* Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Motion to Compel Answers to Interrogatories to Witness Altaf H. Taufique (VP/USPS-T28-23-27, 48, and 51) (June 17, 2005). Valpak timely filed its motion to compel, and the Postal Service did not oppose the motion within the time prescribed by the rules. If Valpak's motion to compel were granted even today, responses would normally be due in seven days, or the day before direct testimony is currently due.<sup>1</sup> *See* Commission Rule 26(e).

For the reasons stated above, Valpak respectfully requests an extension of three business days, to Tuesday, July 19, 2005, to file its direct testimony in this docket.

Respectfully submitted,

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<sup>1</sup> Valpak also is awaiting a response to an interrogatory to witness Taufique, VP/USPS-T28-43, which was filed on May 27, 2005. The response was not received by the time that witness Taufique was on the stand, and Valpak was advised last week by Postal Service counsel that an institutional response from the Postal Service would be forthcoming. However, it has not yet been received.