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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. MC2000-1/3

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

Experimental "Ride-Along"
Classification Change for Periodicals

Docket No. MC2000-1

PRESIDING OFFICER'S RULING
GRANTING POSTAL SERVICE'S MOTIONS
FOR LATE ACCEPTANCE OF INTERROGATORY RESPONSES

(December 13, 1999)

The Postal Service has filed several motions for late acceptance of interrogatory responses. These motions are granted for the reasons stated below.

Certain OCA interrogatories. In support of its November 1, 1999 Motion of United States Postal Service for Late Acceptance of Interrogatory Responses [of witnesses Taufique and Schwartz to Office of the Consumer Advocate Interrogatories filed October 18, 1999], the Service notes that witness Schwartz had been out of the country and that witness Taufique had to consult with key staff members to prepare his responses. Noting that settlement discussions are ongoing and that no procedural schedule has been set, the Service said that it did not believe any party would be prejudiced by the brief (two-day) delay in filing.

Based on witness Schwartz's travel schedule and witness Taufique's need to consult with others and lack of prejudice to others, the Service's motion is granted.

Certain Cox Companies interrogatories. In its November 30, 1999 Motion [of United States Postal Service] for Late Acceptance of . . . Response of . . . Witness Taufique to Interrogatories of Cox Target Media, Inc. and Cox Consumer Sampling (CC/USSPS-T1-21-26), the Service notes that the material that is the subject of two of the interrogatories (Nos. 21 and 22) was not made available to the Service until November 16, 1999. The Service notes that counsel for the Cox Companies indicated no opposition to counting the due date from that time or to the filing of both sets an additional two business days late. Finally, the Service asserts that it does not believe any other party would be prejudiced by late acceptance.

Based on the Service's representations regarding the availability of material needed to answer two of the interrogatories, the absence of opposition on the part of counsel for Cox Companies to all of the interrogatories in question being filed out of time, and apparent lack of prejudice to others, the Service's motion is granted. The cooperation evidenced by the Service and counsel for Cox companies in addressing the Service's interest in late filing is appreciated.

A redirected Cox Companies interrogatory. In its December 1, 1999 Motion for Late Acceptance of Redirected Interrogatory [CC/USSPS-T1-1 Redirected from Witness Taufique to Witness Schwartz], the Postal Service states that the filing delay was caused by the need for the witness to gather information. The Service further states that it does not believe any party would be prejudiced by the delay, citing the ongoing settlement discussions.

Given the witness's need to obtain information to prepare an adequate response and the apparent lack of prejudice to others given the stage of the proceeding, the Service's motion for late acceptance is granted.

RULING

1. The Motion of United States Postal Service for Late Acceptance of Interrogatory Responses, filed November 1, 1999, is granted.

2. The Motion for Late Acceptance of and Response of United States Postal Service Witness Taufique to Interrogatories of Cox Target Media, Inc. and Cox Consumer Sampling (CC/USPS-T1-21-26), is granted.

3. The United States Postal Service Motion for Late Acceptance of Redirected Interrogatory, filed December 1, 1999, is granted.


George A. Omas
Presiding Officer