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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

PRESIDING OFFICER'S
RULING NO. R2000-1/46

Postal Rate and Fee Changes

Docket No. R2000-1

RULING DISMISSING MOTIONS TO COMPEL AS MOOT

(Issued April 19, 2000)

Three motions to compel are pending before me, which, for various reasons, no longer require disposition on the merits. Each of these motions is dismissed as moot.

UPS Motion re Witness Xie. On March 22, 2000, United Parcel Service (UPS) filed a motion to compel responses to interrogatories UPS/USPS-T1-18, 22, 25-27.¹ On March 29, 2000, the Postal Service filed an answer which, among other things, indicated that the Postal Service would treat UPS' motion "as propounding institutional interrogatories."² The Postal Service filed its responses to these interrogatories on April 5 and 6, 2000.³ No further pleadings on this issue have been filed in the interim.

OCA Motion. On March 23, 2000, the Office of the Consumer Advocate (OCA) filed a motion to compel responses to OCA/USPS-T9-27 and OCA/USPS-81.⁴ On March 31, 2000, the Postal Service submitted responses to the interrogatories.⁵ In

¹ Motion of United Parcel Service to Compel Production of Information Requested in Interrogatories UPS/USPS-T1-18, 22, 25, 26, and 27 to Witness Xie, March 22, 2000.

² Response and Opposition of United States Postal Service to United Parcel Service Motion to Compel Responses to Interrogatories Directed to Witness Xie, March 29, 2000 at 2.

³ Supplemental Responses of United States Postal Service to Interrogatories of United Parcel Service Redirected from Witness Xie UPS/USPS-T1-18, 22, 25-27, April 5, 2000; and Library Reference LR-1-288, Supplemental Institutional Responses Provided in Response to UPS/USPS-T1-18, 22, 25, 26, April 6, 2000.

⁴ Office of the Consumer Advocate Motion to Compel Responses to OCA/USPS-T9-27 to Witness Taymen and OCA/USPS-81 to the Postal Service, March 23, 2000.

⁵ Response of United States Postal Service to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-T9-27 Redirected from Witness Taymen and OCA/USPS-81) and Request for Additional Time to Respond to OCA Motion to Compel of March 23, 2000, if Necessary, March 31, 2000.

addition, the Postal Service explained that it had been negotiating with the OCA concerning its responses and that the materials provided represented those that the Postal Service was "willing to provide at this time."⁶ It also requested additional time to respond to the OCA's motion in the event "the OCA continues to seek information that the Postal Service is not willing to provide."⁷ No further pleadings on this issue have been filed in the interim.

UPS Motion re Witness Mayes. On April 11, 2000, UPS filed a motion to compel responses to UPS/USPS-T32-12 and 13.⁸ Presiding Officer's Ruling R2000-1/36 directed the Postal Service to respond to the motion by April 13, 2000.⁹ The Postal Service submitted its responses to the interrogatories on April 17, 2000.¹⁰ Consequently, the issues raised by UPS' motion are moot.

The issues raised in each of the foregoing motions to compel appear to have been resolved by the subsequent submission of responsive materials. Therefore, in the absence of any indication that the foregoing motions present issues necessitating a ruling on the merits, each motion is dismissed as moot.

⁶ *Id.* at 1.

⁷ *Ibid.*

⁸ Motion of United Parcel Service to Compel Production of Information Requested in Interrogatories UPS/USPS-T32-12-13 to Witness Mayes, April 11, 2000.

⁹ The Postal Service indicated that responses would be filed by no later than April 14, 2000. See Response of the United States Postal Service to Presiding Officer's Ruling No. R2000-1/36, April 13, 2000. Subsequently, the Postal Service indicated that the responses would be filed "as early as Monday, April 17, 2000." Second Response of the United States Postal Service to Presiding Officer's Ruling No. R2000-1/36, April 14, 2000. See also Notice of United States Postal Service Concerning Erratum in Document Transmitting Responses of Witness Mayes to United Parcel Service Interrogatories (UPS/USPS-T32-2 Through 11) (Erratum), April 3, 2000.

¹⁰ Responses of United States Postal Service Witness Mayes to Interrogatories of United Parcel Service (UPS/USPS-T32-12 and 13), April 17, 2000. In addition, the Postal Service filed a motion for acceptance its responses out-of-time. Motion of the United States Postal Service for Late Acceptance of Responses of Witness Mayes to Interrogatories of United Parcel Service (UPS/USPS-T32-12 and 13), April 17, 2000. The Postal Service's motion is granted.

RULING

1. The following motions are dismissed as moot:
 - a. Motion of United Parcel Service to Compel Production of Information Requested in Interrogatories UPS/USPS-T1-18, 22, 25, 26 and 27, March 22, 2000;
 - b. Office of the Consumer Motion to Compel Responses To OCA/USPS-T9-27 to Witness Taymen and OCA/USPS-81 to the Postal Service, March 23, 2000; and
 - c. Motion of United Parcel Service to Compel Production of Information Requested in Interrogatories UPS/USPS-T32-12-13 to Witness Mayes, April 11, 2000.

2. The Motion of the United States Postal Service for Late Acceptance of Responses of Witness Mayes to Interrogatories of United Parcel Service (UPS/USPS-T32-12 and 13), April 17, 2000, is granted.


Edward J. Gleiman
Presiding Officer