

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

MOTION OF UNITED STATES POSTAL SERVICE FOR
LATE ACCEPTANCE OF REPLY TO UNITED PARCEL SERVICE MOTION TO
COMPEL A RESPONSE TO UPS/USPS-T5-28
(April 19, 2000)

The United States Postal Service moves for late acceptance of its reply to the United Parcel Service (UPS) motion to compel a response to interrogatory UPS/USPS-T5-28, filed on April 5, 2000.¹

The undersigned counsel first became aware that the motion had been filed late on the morning of April 18, 2000. Evidently, the three means by which the existence of pleadings are made known to counsel all converged to fail with respect to the UPS motion. First, counsel did not identify the motion on the Commission web page, perhaps because it was filed on the day the single largest set of daily pleadings was being prepared.² Second, the Postal Service litigation team's administrative support team evidently did not download the document for distribution to counsel. Third, service copies from UPS, once received by First-Class Mail, also were not distributed.

¹ Motion of United Parcel Service to Compel Production of Information and Documents Requested in Interrogatory UPS/USPS-T5-28 to Witness Hunter

² March 23, 2000 was the last day for filing interrogatories about the Postal Service's direct case, and is typically the day on which the largest volume of interrogatories is filed in an omnibus case. April 5 was therefore the day before timely responses were due for that volume.

Upon reviewing the motion, counsel endeavored to determine how the Postal Service should respond to the underlying interrogatory and to the motion, given that the latter significantly narrowed the former.³

By the afternoon of April 18, counsel had determined that responsive documents to the narrowed interrogatory did exist, and could perhaps be provided if the interrogatory could be narrowed somewhat further. Counsel for UPS refused this offer, indicating that he would need to access sensitive materials underlying those responsive documents. Accordingly, the Postal Service is proceeding to reply to the motion and to accompany it with this motion.

The Postal Service does not believe that UPS is in any way prejudiced by the late filing of the response. The original interrogatory was directed to witness Hunter, USPS-T-5; the massive quantity of discovery from UPS to this witness has resulted in a number of outstanding requests. While any affirmative response to the interrogatory would be institutional, that does not mean witness Hunter would be able to avoid all of the work in preparing the response. Moreover, even the limited response offered to UPS counsel could easily take several weeks of effort to produce.

³ This had to be accomplished by telephone as counsel was physically located in Virginia Beach.


WHEREFORE, the United States Postal Service moves for late acceptance of its response to the UPS motion to compel a response to interrogatory UPS/USPS-T5-28.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:


Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



for Kenneth N. Hollies

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



for Kenneth N. Hollies

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-3083; Fax -5402
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