

BEFORE THE
POSTAL RATE COMMISSION

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

MOTION OF UNITED PARCEL SERVICE TO COMPEL
PRODUCTION OF INFORMATION REQUESTED
IN INTERROGATORIES UPS/USPS-T12A-15
(May 2, 2000)

Pursuant to Sections 26(d) and 27(d) of the Commission's Rules of Practice, United Parcel Service ("UPS") hereby moves the Presiding Officer to order the United States Postal Service ("Postal Service") to answer interrogatories UPS/USPS-T12A-15, filed on April 14, 2000.¹ A copy of these interrogatories is attached hereto as Attachment A. Answers to these interrogatories were do on April 28, 2000. The Postal Service has neither objected nor answered.

On April 24, 2000 -- more than a week ago -- the Postal Service filed a pleading notifying the Commission of its intent to object to "many parts" of these interrogatories but stated that "information necessary to formulation of appropriate objections is not yet available." Notice of United States Postal Service of Intention to Object to Some Parts of United Parcel Service Interrogatories to the Postal Service (filed April 14, 2000) at 1.

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1. Interrogatory UPS/USPS-12A was originally filed as interrogatory UPS/USPS-12. On April 27, 2000, UPS filed an errata notice renumbering this interrogatory as UPS/USPS-12A. See Errata to the Numbering of Interrogatory UPS/USPS-12, Filed April 14, 2000 (filed April 27, 2000).

In attempting to justify its failure to comply with the Commission's rules on responding to discovery requests, the Postal Service stated that it "presumes that UPS will not be prejudiced by any delay in preparing objections." That presumption is wrong.

Interrogatories UPS/USPS-12A-15 request information regarding the PERMIT System, which is the raw data from postage statements that flows into the BRPW system. This information is essential to an evaluation of the Postal Service's Parcel Post revenue and volume estimates produced from the BRPW system but has been jealously guarded by the Postal Service, thus resulting in a great deal of motions practice and corresponding delay in production of any information. Any further delay in discovery relating to the PERMIT System estimates at this late stage in the proceedings is extremely prejudicial to UPS's ability to adequately analyze the Postal Service's proposals regarding Parcel Post and thus prepare its case-in-chief and its rebuttal to the cases-in-chief of other participants.

The Commission's Rules clearly establish that objections to discovery requests are due within 10 days of service and answers to discovery requests are due within 14 days of service. 39 C.F.R. §§ 3001.26(c), 3001.27(c). The Postal Service's failure to do either in a timely manner should not be excused.

WHEREFORE, United Parcel Service respectfully requests that the Postal Service be ordered to answer interrogatory UPS/USPS-T4-15.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document by first class mail, postage prepaid, in accordance with Section 12 of the Commission's Rules of Practice.

Phillip E. Wilson, Jr.
Phillip E. Wilson, Jr.
Attorney for United Parcel Service

Dated: May 2, 2000
Philadelphia, Pa.