

BEFORE THE  
POSTAL RATE COMMISSION

RECEIVED

MAY 3 9 42 AM '00

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

---

POSTAL RATE AND FEE CHANGES, 2000

---

DOCKET NO. R2000-1

---

ERRATA TO MOTION OF UNITED PARCEL SERVICE TO COMPEL  
PRODUCTION OF INFORMATION REQUESTED IN  
INTERROGATORIES UPS/USPS-T12A-15, FILED MAY 2, 2000 (ERRATA)  
(May 3, 2000)

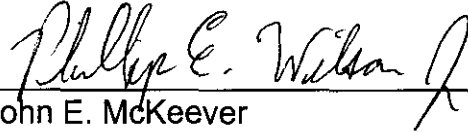
---

Pursuant to the Commission's Rules of Practice, United Parcel Service hereby serves the following errata to the Motion of United Parcel Service to Compel Production of Information Requested in Interrogatories UPS/USPS-T12A-15, filed May 2, 2000, ("Motion") to correct the following typographical errors:

1. in the title of the document, change "T12A" to "12A";
2. in paragraph 1, page 1, line 3, change "T12A" to "12A";
3. in paragraph 1, page 1, line 5, change "do" to "due";
4. in paragraph 1, page 3, line 2, change "T4" to "12A".

A revised copy of the Motion is attached hereto. UPS apologizes for any inconvenience this may have caused any party.

Respectfully submitted,



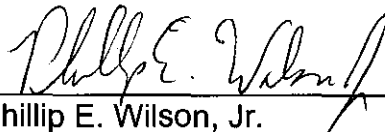
John E. McKeever  
William J. Pinamont  
Phillip E. Wilson, Jr.  
Attorneys for United Parcel Service

Piper Marbury Rudnick & Wolfe LLP  
3400 Two Logan Square  
18th & Arch Streets  
Philadelphia, PA 19103-2762  
(215) 656-3310  
(215) 656-3301 (FAX)  
and  
1200 Nineteenth Street, NW  
Washington, DC 20036-2430  
(202) 861-3900

Of Counsel.

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.  
Attorney for United Parcel Service

Dated: May 3, 2000  
Philadelphia, Pa.  
62274

BEFORE THE  
POSTAL RATE COMMISSION

---

POSTAL RATE AND FEE CHANGES, 2000

---

DOCKET NO. R2000-1

---

MOTION OF UNITED PARCEL SERVICE TO COMPEL  
PRODUCTION OF INFORMATION REQUESTED  
IN INTERROGATORIES UPS/USPS-12A-15  
(as revised May 3, 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-12A-15, filed on April 14, 2000.<sup>1</sup> A copy of these interrogatories is attached hereto as Attachment A. Answers to these interrogatories were due 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.

---

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 interrogatories UPS/USPS-12A-15.

Respectfully submitted,



John E. McKeever  
William J. Pinamont  
Phillip E. Wilson, Jr.  
Attorneys for United Parcel Service

Piper Marbury Rudnick & Wolfe LLP  
3400 Two Logan Square  
18th & Arch Streets  
Philadelphia, PA 19103-2762  
(215) 656-3310  
(215) 656-3301 (FAX)

and

1200 Nineteenth Street, NW  
Washington, DC 20036-2430  
(202) 861-3900

Of Counsel.