

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 THE UNITED STATES POSTAL SERVICE
FOR LATE ACCEPTANCE OF THE FILING OF ITS OBJECTION AND
PARTIAL RESPONSE TO DFC/USPS-96
(June 26, 2000)

The United States Postal Service hereby moves that it be permitted to file today its objection (31 days late) and its partial response (27 days late) to the following interrogatory of Douglas Carlson: DFC/USPS-96. The interrogatory was filed on May 16, 2000. The objection was due to have been filed on May 26, 2000. Any response was due to have been filed on May 30, 2000.

On June 16, 2000, Postal Service counsel received a letter from Mr. Carlson pointing out that no objection or response to DFC/USPS-96 had been filed. The interrogatory was filed in a pleading which also contained DFC/USPS-97. Upon receipt by the Law Department, institutional interrogatories are assigned to different postal attorneys, based on subject matter. A transmittal cover page prominently noting the attorney assignments is affixed to copies of such interrogatories, which are then distributed to all Rates attorneys. It is assumed that this standard operating procedure pertained to the document containing DFC/USPS-96 and 97.

Like his colleagues, undersigned counsel examines all incoming institutional interrogatory assignment sheets, scrutinizing them to see if his name appears on the transmittal cover page. Assuming counsel received a copy of the document in question, counsel can only surmise that he did not see it and, therefore, was not aware of its existence. Undersigned counsel was out of the office on May 19th-23rd. Upon his return, in sorting through the Docket No. R2000-1 filings and other documents that had accumulated in his In Box, undersigned counsel apparently did not see the

document transmitting DFC/USPS-96 and 97. This conclusion is compelled by the fact that assigned attorneys' names appear prominently on the assignment cover pages and *one's name on the transmittal cover sheet is often the first thing for which one searches* in determining whether there is a need to review a document. Counsel can only speculate that the DFC/USPS-96 document may have become attached to another document in the stack that counsel reviewed upon his return to the office. In discarding that other document, counsel probably inadvertently discarded the DFC/USPS-96 document, believing it to be a part of the other document. Various co-counsel, who would assume that matter was under control, would have no occasion to notice or to express concern about the status or disposition of DFC/USPS-96.

The existence of the interrogatory did not come to undersigned counsel's attention until receipt of the aforementioned letter from Mr. Carlson. In the course of a subsequent e-mail exchange, undersigned counsel explained how it likely came to pass that Mr. Carlson had not received either an objection or a response to his interrogatory and indicated that the Postal Service would file pleadings today.

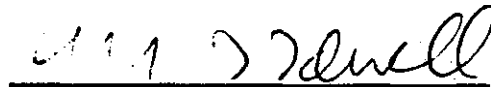
The Postal Service regrets the circumstances which have delayed the response to this interrogatory. Undersigned counsel considers that he has been diligent, but not perfect in the execution of such diligence. In any event, there does not appear to be any prejudice caused by the delay. Mr. Carlson filed no direct testimony which might have depended on information provided in response to the interrogatory. The partial response to DFC/USPS-96(a) filed today makes clear that there is a negligible amount of information within the scope of the interrogatory which the Postal Service considers to be irrelevant to this proceeding. Should Mr. Carlson seek move to compel a further response, it is reasonable to expect that the dispute would be resolved well before the filing of rebuttal testimony and briefs.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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June 26, 2000

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.



Michael T. Tidwell

June 26, 2000