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ORDER NO. 1321

SEP 19 11 34 AM '01 UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY WASHINGTON, DC 20268-0001

Before Commissioners:

George A. Omas, Vice Chairman;  
Dana B. Covington; Ruth Y. Goldway;  
and W.H. "Trey" LeBlanc III

Complaint on Sunday and Holiday Collections

Docket No. C2001-1

ACCEPTANCE OF CERTIFICATION  
FOR COMMISSION REVIEW OF  
PRESIDING OFFICER'S RULING NO. C2001-1/10

(Issued September 19, 2001)

Presiding Officer's Ruling No. C2001-1/13 certifies a Postal Service appeal of Presiding Officer's Ruling No. C2001-1/10 to the Commission for review.<sup>1</sup> This motions practice pertains to interrogatory DFC/USPS-19, which requests nine data elements from the Collection Box Management System (CBMS) for every collection box in the United States.<sup>2</sup> Presiding Officer's Ruling No. C2001-1/6, grants a Carlson motion to compel the Postal Service to respond to interrogatory DFC/USPS-19 and accepts a Postal Service proposal to provide this material under protective conditions.<sup>3</sup> POR No. 10, the object of this appeal, affirms POR No. 6, and orders the response to include an additional subset of data.<sup>4</sup>

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<sup>1</sup> Presiding Officer's Ruling Certifying Appeal to Commission of Presiding Officer's Ruling No. C2001-1/10, issued September 19, 2001 (POR No. 13). Presiding Officer's Ruling on Reconsideration of Presiding Officer's Ruling No. C2001-1/6, issued August 21, 2001 (POR No. 10).

<sup>2</sup> Douglas F. Carlson Interrogatory to the United States Postal Service (DFC/USPS-19), filed May 25, 2001.

<sup>3</sup> Presiding Officer's Ruling on Motion to Compel the United States Postal Service to Respond to Interrogatories DFC/USPS-19-21, issued July 23, 2001 (POR No. 6).

<sup>4</sup> POR No. 10 at 7-8.

In POR No. 13, the presiding officer found sufficient basis to certify POR No. 10 for appeal to consider the issue of: when is it appropriate to apply protective conditions to a response to a discovery request where competitive issues are not the predominant factor in considering protective conditions. The Commission concurs that this question involves an important question of law or policy that is sufficient to warrant review of POR No. 10. Therefore, the Commission accepts the presiding officer's certification of the Postal Service appeal to review POR No. 10 as recommended in POR No. 13.


POR No. 13 also directs the Postal Service to respond to five sets of questions. The Commission concurs that responses to those questions will aid in the Commission's review of POR No. 10. The Postal Service shall respond to the questions by October 1, 2001. All other participants may provide responsive pleadings by October 9, 2001.

It is ordered:

1. The Commission accepts the presiding officer's certification of the Postal Service appeal to review POR No. 10 as recommended in POR No. 13.
2. The Postal Service shall provide the supplemental pleadings requested by POR No. 13 by October 1, 2001. Other participants may provide responsive pleadings by October 9, 2001.

By the Commission.

(SEAL)



Steven W. Williams  
Acting Secretary