

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

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

MOTION OF THE UNITED STATES POSTAL SERVICE
FOR LATE ACCEPTANCE OF RESPONSES
TO INTERROGATORIES
(November 23, 2001)

The United States Postal Service hereby moves that it be permitted to file responses to the following interrogatories late for the reasons indicated below.

November 16, 2001

On this date, the Postal Service filed 22 calendar days late its response to DFC/USPS-GAN-1. The delay was occasioned by the time taken to conduct a search for records which might be relied upon to prepare the response. As reflected in the response, no such records could be located and the response had to be prepared on the basis of Mr. Gannon's recollection of events several years ago.

November 19, 2001

On this date, the Postal Service filed its responses to the following interrogatories:

(a) DBP/USPS-56, 57, 59, 61-63, 65, 66(a) and 69 -- 28 calendar days late

Preparation of the responses to these question was delayed by a variety of factors. First among these is the Postal Service's decision to attempt to respond to a number of these questions, despite the tenuous nature of their relationship to the issues in this proceeding. Chasing down answers to relevant questions is time-consuming enough. The additional burden of questions that veer into subjects that are not necessary or immaterial to the issues raised in this proceeding can affect the Postal

Service's ability to file timely responses to questions seeking relevant and material information. Early on in the process, counsel was unable to ensure expeditious preparation of responses to these interrogatories because of conflicting obligations in Docket Nos. R2001-1, the recently terminated Docket Nos. MC2001-2/R2001-2, not to mention motion practice in the instant docket. Added to this was the fact that a computer hard drive crash resulted in the only copies of draft responses being unretrievable for a week while a computer repair was underway.

(b) DBP/USPS-70-75 and 78-82 – 6 calendar days late

Draft responses were submitted to counsel for review on November 6, 2001, the day before the scheduled due date. Because of other pressing burdens associated with Docket No. C2001-3 and conflicting responsibilities associated with the litigation of Docket No. C2001-1 (including the pursuit of settlement in that proceeding), counsel could not even begin to review the draft responses until the weekend of November 17-18. After consultations over the weekend with management personnel who had prepared the drafts, responses were filed on the 19th.

(c) DFC/USPS-2 through 8 – 11 calendar days late

A number of these questions requested information that had already been provided in response to earlier interrogatories. Accordingly, oversight of the preparation of responses to these interrogatories was put on the "back burner" in order to tend to the preparation of other, more tardy interrogatory responses, as well as counsel's equally pressing Docket No. R2001-1 responsibilities.

November 20, 2001

On this date, the Postal Service filed the responses to the following interrogatories:

(a) DFC/USPS-CMG1 and 2 – 21 calendar days late

Preparation of the first response required consultation with senior postal officials

and their subordinates to determine the status of the operational review described in the response. The attention of these individuals has been consumed by the operational emergencies facing the Postal Service as a result of the events of September 11th and the recent use of the mail to commit biological terrorism. As reflected in the substance of the response to the first question, these events have had a direct impact on the substance of the response to the question asked. Preparation of the second response required a review of the Docket No. N89-1 record to locate relevant information to complete the response. The only persons available to perform this research were responsible for preparing other interrogatory responses or motion practice in this proceeding, or have conflicting responsibilities associated with Docket No. R2001-1.¹

(b) DFC/USPS-3-14, 16-17, 19-23, 25 through 30 – 16 calendar days late

These responses were prepared either by Mr. Gannon or were redirected to the Postal Service for response. Mr. Gannon assumed responsibility for preparation of responses or coordinated their preparation by others. Draft responses were compiled by Mr. Gannon for review by counsel. That review was delayed by counsel's involvement in discovery motion practice in this proceeding, as well as a crash of Mr. Gannon's computer hard drive. Over several days, numerous on-site computer "fixes" were vainly attempted. Ultimately, the computer had to be taken out for diagnosis and repair. A week later the computer was returned and re-installed. Then the electronic records were retrieved and had to be re-examined to determine if any had been lost as a result of the crash. Unfortunately, it turned out that the draft responses to these interrogatories were lost as a result of the crash and had to be reconstructed, adding further to the delay in their filing.

¹ Or, for a time, relevant to the due date of these responses, also had responsibilities associated with Docket Nos. R2001-2/MC2001-2.

November 21, 2001

On this date, the Postal Service filed the responses to the following interrogatories:

(a) DBP/USPS-25(b) -- 23 calendar days late

Preparation of the response to this question required an extensive search of internal e-mail archives to locate potentially responsive records that extended beyond the due date. Once such records were located, they had to be compiled, reviewed and prepared for disclosure. When these tasks were completed, the voluminous nature of some the e-mail attachments dictated that the most efficient method of copying and filing the responsive records would be in the form of electronic files on a CD-ROM.

As the records were being prepared for transfer to the employee deemed most capable of performing this function, he received word of the death of his father. Consequently, he was out of the office unexpectedly for several weeks. While a back-up CD-ROM transfer plan was being attempted, the computer hard drive (into which the files had been compiled) crashed, as described above. When the computer was re-installed, the hard drive had to be re-examined to determine if any pertinent records had been lost as a result of the crash. Fortunately, that was not the case here. Upon return of the aforementioned employee, the records were successfully transferred to CD-ROM and filed as USPS Library Reference C2001-3/7.

(b) DBP/USPS-64 -- 30 calendar days late

Preparation of the response to this question required consultation with Headquarters personnel who manage surface transportation. As indicated in earlier motions for late acceptance, these employees bear unprecedented burdens associated with the impact on the Postal Service of the events of September 11th and the use of the mails to commit acts of biological terrorism. It is a challenge to track them down and divert their attention to Docket No. C2001-3 or to other, "less important" matters.

Accordingly, it can take what seems like an extraordinary amount of time to get responses to seemingly simple questions. This was such an instance.

The Postal Service regrets the delay in the filing of these responses and leaves it to the others to comment about the degree to which they have been prejudiced by it.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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CERTIFICATE OF SERVICE

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

Michael T. Tidwell

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November 23, 2001