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Dec 6 2 26 PM '01 UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY WASHINGTON, DC 20268-001

Complaint on First-Class Mail Standards

Docket No. C2001-3

PRESIDING OFFICER'S RULING ON  
POSTAL SERVICE MOTIONS FOR LATE ACCEPTANCE

(Issued December 6, 2001)

This ruling briefly reviews, and grants, two Postal Service motions for acceptance of late-filed documents. Both motions were unopposed.

*November 23, 2001 motion.* In a motion filed November 23, 2001, the Service seeks late acceptance of responses to certain interrogatories filed by the Office of the Consumer Advocate, Mr. Carlson and Mr. Popkin.<sup>1</sup> The responses range from 6 to 30 days late.<sup>2</sup> Postal Service Motion on Late Interrogatory Responses at 1. The reasons for lateness vary by interrogatory response, but include attention to other motion practice in this docket; obligations in other dockets; time spent searching for records; and matters related to the September 11, 2001 terrorist attacks and to anthrax contamination. They also include the Service's decision to try to respond to several questions, despite its concern that they have a tenuous relationship to issues in this proceeding; the need to consult with senior postal officials to determine the status of an operational review; review of the Docket No. N89-1 record to locate relevant material; computer problems; and the absence of an employee due to a death in the family.

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<sup>1</sup> Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories, November 23, 2001 (Postal Service Motion on Late Interrogatory Responses) and United States Postal Service Motion for Late Acceptance of Filing of Objection and Responses to Interrogatories, November 26, 2001 (Postal Service Motion on Late Responses to Popkin Interrogatories).

<sup>2</sup> OCA/USPS-GAN-1 (referred to as "DFC/USPS-GAN-1" in the motion); DFC/USPS-2 through 8; DFC/USPS-CMG1 and 2 and DFC/USPS-GAN 3 through 14; 16 and 17; 19 through 23; and 25 through 30 (referred to as "DFC/USPS-3-14 . . ." in the motion); DBP/USPS-25(b); 56 and 57; 59; 61 through 63; 64 and 65; 66(a), 69 through 75; and 78 through 82. The abbreviation "CMG" was used to identify the first two interrogatories Mr. Carlson directed to declarant Charles M. Gannon; for subsequent interrogatories, this was changed to "GAN."

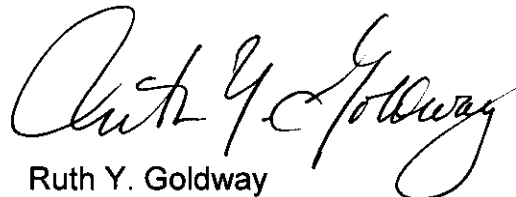
*November 26, 2001 motion.* This motion addresses both a late-filed objection to a Popkin interrogatory (DBP/USPS-88) and late-filed responses to eight interrogatories from Mr. Popkin. The objection was due by November 15, 2001; it was filed November 26, 2001. Postal Service counsel indicates that attention to other responsibilities in this docket and in the pending omnibus rate case caused the delay. Postal Service Motion on Late Responses to Popkin Interrogatories at 1. He also says the need to file the objection did not become apparent until draft responses were reviewed on November 19, 2001. *Ibid.*

The Service's responses to DBP/USPS-83-87 and 89-91 were due by November 19, 2001; they were filed November 26, 2001. The Service attributes the delay to the need to review and prepare other pleadings. It says this obligation, plus the fact that consultations related to these responses could not be completed until November 25<sup>th</sup>, interfered with timely preparation and filing. *Ibid.*

*Ruling.* There has been no formal opposition to the referenced Postal Service motions. Given the lack of opposition, the special circumstances posed by recent events, and the extent of activity in this case and other dockets, the Postal Service Motion on Late Interrogatory Responses and Postal Service Motion on Late Responses to Popkin Interrogatories are granted.

#### RULING

1. The Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories, filed November 23, 2001, is granted.
2. The United States Postal Service Motion for Late Acceptance of Filing of Objection and Responses to Interrogatories, filed November 26, 2001, is granted.



Ruth Y. Goldway  
Presiding Officer