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PRESIDING OFFICER'S  
RULING NO. R2001-1/47

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes

Docket No. R2001-1

PRESIDING OFFICER'S RULING  
CONCERNING PENDING MOTIONS TO COMPEL

(Issued February 4, 2002)

Several motions to compel directed to the Postal Service remain pending in this proceeding.<sup>1</sup> The need to consider these motions has been overtaken by subsequent events. Thus, consideration of these motions will be held in abeyance as discussed below.

A revised Stipulation and Agreement (Settlement), which is supported or not opposed by all participants except one, is before the Commission for a recommended decision.<sup>2</sup> The opposing party, the American Postal Workers Union, AFL-CIO (APWU) has filed testimony in support of its opposition.<sup>3</sup> A procedural schedule has been adopted providing for a hearing and further procedures related to the Settlement. See P.O. Ruling R2001-1/43. A contemporaneous ruling suspended the Postal Service's obligation to respond to outstanding discovery requests unrelated to APWU's opposition as long as the Settlement remains pending for a recommended decision. See P.O. Ruling R2001-1/44 at 4.

Each of the pending motions to compel was filed by a participant who supports or does not oppose the Settlement. None relates to the Settlement. Under the

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<sup>1</sup> The pending motions are identified on the Attachment to this Ruling. Procedurally, they are not all on the same footing; some have only recently been filed, whereas for others motions practice is complete. None, however, has been subject to a ruling.

<sup>2</sup> See Motion of the United States Postal Service Submitting Second Revised Stipulation and Agreement, January 17, 2002.

<sup>3</sup> See Direct Testimony of Michael J. Riley on behalf of the American Postal Workers Union, AFL-CIO, January 30, 2002.

circumstances, continuing motions practice may be a fruitless exercise, having no bearing on remaining issues and causing participants and the Commission to expend resources needlessly.

Accordingly, consideration of these motions will be held in abeyance while the Settlement and related issues are pending before the Commission for a recommended decision. If, however, support for the Settlement is withdrawn so that it no longer represents a reasonable basis on which to resolve issues in this proceeding, or if the Postal Service withdraws from it, the Postal Service shall promptly advise the Commission and, within seven days thereafter, file its response, if any, to each outstanding motion to compel to which it has not previously submitted its opposition.

#### RULING

1. Consideration of the outstanding motions to compel, identified in the Attachment, as well as further motions practice related thereto will be held in abeyance while the Settlement and related issues are pending before the Commission for a recommended decision.
2. If support for the Settlement is withdrawn so that it no longer represents a reasonable basis on which to resolve issues in this proceeding, or if the Postal Service withdraws from it, the Postal Service shall promptly advise the Commission and, within seven days thereafter, file its response, if any, to each outstanding motion to compel to which it has not previously submitted its opposition.

  
George Omas  
Presiding Officer

## OUTSTANDING MOTIONS TO COMPEL

1. Office of the Consumer Advocate Motion to Compel Production of Information Requested in OCA/USPS-234, filed December 20, 2001.
2. Office of the Consumer Advocate Motion to Compel Production of Information Requested in Interrogatory OCA/USPS-306(b) and (c) and a Responsive Answer to 306(d), filed December 26, 2001.
3. David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-140 and 139, filed January 17, 2002.
4. David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-143, 147, 148, 157, 158, and 149, filed January 28, 2002.
5. David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-152 and 159-165, filed January 28, 2002.
6. Office of the Consumer Advocate Motion to Compel Production of Information Requested in Interrogatory OCA/USPS-307, filed January 29, 2002.