

PRESIDING OFFICER'S  
RULING NO. C2001-3/34

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

Complaint on First-Class Mail  
Service Standards

Docket No. C2001-3

PRESIDING OFFICER'S RULING ON STATUS OF DISCOVERY  
AND OTHER PROCEDURAL MATTERS, INCLUDING SCHEDULING

(Issued January 17, 2003)

In the last quarter of calendar 2002, the Postal Service submitted, in a series of library references and related filings, extensive point-to-point service data and information addressing the three discrete elements of interrogatory DFC/USPS-9. This material was filed pursuant to my decision resolving an extended dispute over the scope and nature of the referenced interrogatory.<sup>1</sup> During the same timeframe, the Service received some additional follow-up questions, answered some outstanding interrogatories, and indicated responses to others would be forthcoming. See, for example, Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of Douglas Carlson, October 20, 2002 (Postal Service Motion).

Earlier in this case, filing of the complainant's direct case was linked to a point four and one-half weeks after completion of discovery against the Postal Service.<sup>2</sup> At this time, although the participants have devoted considerable resources to discovery — thereby enhancing the record — there is no definitive end to discovery on the horizon. I find it would be useful to establish one, given the considerable amount of data that already has been provided, the limited number of issues in the case, an interest in

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<sup>1</sup> See, for example, P.O. Rulings No. C2001-3/14 (December 19, 2001), No. C2001-3/23 (April 9, 2002), and No. C2001-3/26 (June 10, 2002).

<sup>2</sup> P.O. Ruling No. C2001-3/19 (February 6, 2002) linked the deadline for filing direct testimony in this case to an unspecified date four and one-half weeks following submission of all Postal Service discovery responses. See *also* P.O. Ruling No. C2001-3/31 (September 12, 2002).

effective and efficient case administration, and the Service's need to allocate limited resources. Thus, it is now time for those involved in this case to focus on concluding discovery in relatively short order and on establishing target dates for submission of the participant's direct case and other remaining steps.

In the Postal Service Motion referred to above, the Service stated, among other things, that it had instituted certain measures to facilitate responding to overdue interrogatory responses. The Service is directed to file answers to outstanding interrogatories or indicate why this cannot be done. In connection with this effort, all participants are directed to promptly address, among themselves, issues that may be unduly complicating the Service's discovery responsibilities and attempt to reach informal resolution. These discussions should include an effort to minimize, if not avoid, the need for any further follow-up questions. To clarify these matters, the Service is asked to provide, no later than February 5, 2003, a status report on discovery, including realistic timeframes for addressing any outstanding matters. Other participants may comment on the Service's status report. The deadline for such comments is February 12, 2003. If anything has altered Mr. Carlson's expectation that he could file his direct case four and one-half weeks after the completion of discovery, that should be indicated in the comments, along with any proposed alternative.

I look forward to the participants' cooperation in addressing these concerns, and anticipate issuing a schedule that balances legitimate interests in developing an adequate evidentiary record with other compelling interests.

#### RULING

1. Participants are directed to confer on outstanding discovery-related issues and concerns and to attempt to reach an informal resolution.
2. The Postal Service is directed to file by February 5, 2003, the responses to all outstanding interrogatories or to explain (in a status report) why this cannot be done.

3. The Postal Service is directed to provide a status report on discovery no later than February 5, 2003.
4. Participants may submit comments on the Service's status report. The deadline for such comments is February 12, 2003.
5. The Douglas F. Carlson Motion to Compel the United States Postal Service to Provide a Responsive Answer to Interrogatory DFC/USPS-9 (filed October 15, 2002) is deemed moot.
6. The Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of Douglas Carlson, filed October 30, 2002, is granted.

Ruth Y. Goldway  
Presiding Officer