

PRESIDING OFFICER'S
RULING NO. R97-1/26

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING GRANTING
MOTIONS FOR LATE ACCEPTANCE AND
MOTION FOR EXTENSION OF TIME TO FILE

(September 23, 1997)

On September 15, 1997, the Postal Service filed a motion for the acceptance, one day out-of-time, of the response to an interrogatory from the American Postal Workers Union, AFL-CIO to witness Tayman.¹ The Postal Service indicates that the delay was caused by an oversight, and that the response was forwarded via facsimile to counsel for APWU. I will grant this motion.

On September 17 and 19, 1997, the Postal Service filed motions for late acceptance of responses to interrogatories filed by the Office of the Consumer Advocate (OCA), and Nashua, District, Mystic & Seattle (NDMS).² Both motions indicated that the responses were being filed one-day out of time as the responses

¹ Response of the United States Postal Service Witness Tayman to Interrogatory of American Postal Workers Union, AFL-CIO (APWU/USPS-T9-1) and Motion for Late Acceptance Thereof.

² Responses of the United States Postal Service to OCA Interrogatories Redirected from Witness Fronk and Motion for Late Acceptance (OCA/USPS-T32-57a&c, 59-61, 63c, 64a-d&f, 69a, 70, 74a&b, 75, 78, 80, 81, 83, 84, 85a,c&d, 87, 88, 89b&c, 97a, 98a&c, 101, 102b-e, 103, filed September 17, 1997; and Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of Nashua, District, Mystic & Seattle (NDMS/USPS-T32-37d, 38, 39, 41-43 and 46), filed September 19, 1997.

were not completed in time to make production and printing deadlines. The responses to NDMS were forwarded via facsimile to mitigate the delay. I will grant these motions.

A motion for late acceptance of the response of witness Tayman to interrogatories 26-29 from the Direct Marketing Association was filed September 18, 1997.³ The one-day delay in filing these responses was occasioned by the need to coordinate with the Office of the Inspector General, and responses were faxed to counsel for DMA. I will grant this motion.

Interrogatory DMA/USPS-T30-6 to witness O'Hara was redirected to the Postal Service for response.⁴ The Postal Service indicates that preparation of the response required a comprehensive search of records in the Marketing Department and was delayed by the absence of critical personnel. However, through consultations with DMA counsel the Service was able to clarify the scope of the search and provide responses, albeit 38 days late. Additionally, the Service has offered DMA counsel access to responsive electronic files. I will grant this motion.

On September 19, 1997, the Postal Service filed a motion for extension of time to file responses to OCA/USPS-25-41.⁵ The Postal Service requested an extension until September 22, 1997, for the filing of the response to interrogatory 41, and the response was filed on that date. With respect to interrogatories 25-40, concerning various issues related to discounted rates for nonpresort First-Class Mail, the Postal Service requests an extension of "about one more week" to file responses. I will grant an extension until September 26, 1997, for responses to interrogatories 25-40 and will accept the response to interrogatory 41 filed September 22, 1997.

³ Motion for Late Acceptance of and Response of United States Postal Service Witness Tayman to Interrogatories of the Direct Marketing Association, Inc. (DMA/USPS-T9-26-29).

⁴ Response of the United States Postal Service to Interrogatory of Direct Marketing Association and Motion for Late Acceptance (DMS/USPS-T30-6), filed September 19, 1997.

⁵ Response of United States Postal Service to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-43, and OCA/USPS-T24-73A Redirected from Witness Lion), and Motion for Extension of Time to Respond to OCA/USPS-25-41.

On September 22, 1997, the Postal Service filed three motions for late acceptance of interrogatory responses.⁶ The response to the NDMS interrogatory is filed out of time due to the need to consult with field personnel who were previously unavailable. In order to mitigate the delay, the Service transmitted a copy of the response to NDMS counsel via facsimile.

With respect to OCA interrogatories 109-115 to witness Fronk, these were redirected to the Postal Service for response as they were beyond the expertise of the witness. Additionally, it was necessary to gather responsive information from various components of postal management and the coordination required caused the one day delay in filing.

The filing of the response to OCA/USPS-21 was delayed due to the need to coordinate the response with the Inspection Service and the unavailability of personnel. I will grant the September 22nd motions.

RULING

1. The Response of the United States Postal Service Witness Tayman to Interrogatory of American Postal Workers Union, AFL-CIO (APWU/USPS-T9-1) and Motion for Late Acceptance Thereof, filed September 15, 1997, is granted.

2. The Responses of the United States Postal Service to OCA Interrogatories Redirected from Witness Fronk and Motion for Late Acceptance (OCA/USPS-T32-57a&c, 59-61, 63c, 64a-d&f, 69a, 70, 74a&b, 75, 78, 80, 81, 83, 84, 85a,c&d, 87, 88, 89b&c, 97a, 98a&c, 101, 102b-e, 103, filed September 17, 1997, is granted.

⁶ Response of the United States Postal Service to Nashua, District, Mystic & Seattle Interrogatory NDMS/USPS-T32-34 and Motion for Late Acceptance; Responses of the United States Postal Service to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T32-109 through 115); and Response of the United States Postal Service to Interrogatory of the Office of the Consumer Advocate and Motion for Its Late Acceptance (OCA/USPS-21).

3. The Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of Nashua, District, Mystic & Seattle (NDMS/USPS-T32-37d, 38, 39, 41-43 and 46), filed September 19, 1997, is granted.

4. The Motion for Late Acceptance of and Response of United States Postal Service Witness Tayman to Interrogatories of the Direct Marketing Association, Inc. (DMA/USPS-T9-26-29), filed September 18, 1997, is granted.

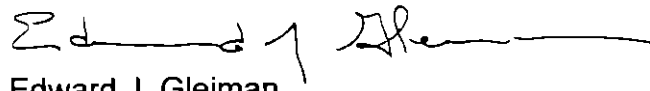
5. The Response of the United States Postal Service to Interrogatory of Direct Marketing Association and Motion for Late Acceptance (DMA/USPS-T30-6), filed September 19, 1997, is granted.

6. The Response of United States Postal Service to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-43, and OCA/USPS-T24-73A Redirected from Witness Lion), and Motion for Extension of Time to Respond to OCA/USPS-25-41, filed September 19, 1997, is granted.

7. The Response of the United States Postal Service to Nashua, District, Mystic & Seattle Interrogatory NDMS/USPS-T32-34 and Motion for Late Acceptance, filed September 22, 1997, is granted.

8. The Responses of the United States Postal Service to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T32-109 through 115), filed September 22, 1997, is granted.

9. The Response of the United States Postal Service to Interrogatory of the Office of the Consumer Advocate and Motion for Its Late Acceptance (OCA/USPS-21), filed September 22, 1997, is granted.


Edward J. Gleiman
Presiding Officer