

DOCKET SECTION

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 1997

Docket No. R97-1

MOTION OF UNITED STATES POSTAL SERVICE
FOR EXTENSION OF TIME
TO REPLY TO OFFICE OF THE
CONSUMER ADVOCATE'S MOTION TO COMPEL
A RESPONSE TO OCA/USPS-T22-12
(September 25, 1997)

On September 18, 1997, the Office of the Consumer Advocate filed a motion to compel a response to interrogatory OCA/USPS-T22-12, an objection to which was filed September 12, 1997. The Postal Service hereby requests an extension of time to reply to the motion to compel—a request which the OCA does not oppose, based upon the following.

The interrogatory asks that witness Treworgy update the projections and estimates embodied in his testimony based upon a contract for the purchase of scanners that will be used for delivery confirmation. The Postal Service objected on grounds of privilege because the requested update, which is not as simple as it may appear, would reveal pre-decisional and commercially sensitive information. In essence, the problem is that the contract is the subject of ongoing discussions that are expected to lead to contract modifications as well as related contracts involving other vendors, and updating of witness Treworgy's projections and estimates will compromise the Postal Service's negotiating positions.

The OCA has also filed related interrogatories, at least in the sense that they request documents and information that would similarly compromise the Postal Service's negotiating positions. The Postal Service objected to OCA/USPS-T22-

20(b), (e)(partial), and (g), and the OCA also moved on September 18 to compel answers to these questions.

The Postal Service ability to respond to the OCA's motions has been hampered by two factors. First, the undersigned counsel had a family medical emergency that required his absence from the office from Friday, September 11 through September 24. Second, witness Treworgy is out of the country and unavailable this week, but should be available by Monday, September 29.

The undersigned counsel accordingly contacted counsel for the OCA to discuss whether it would be acceptable for the Postal Service to respond to both motions to compel on Tuesday, September 30, 1997. The undersigned counsel also promised to fax a copy to counsel for the OCA upon completion of the pleading, which is expected to be well before the close of business that day. Counsel for the OCA indicated this arrangement would be acceptable. The additional time will also permit postal counsel to consult with clients and determine whether any of the middle grounds offered by the OCA in its motions are appropriate.

WHEREFORE, the United States Postal Service moves for an extension of time

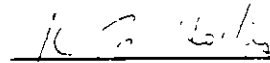
to file a reply to the OCA's motion to compel a response to interrogatory OCA/
USPS-T22-12.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Kenneth N. Hollies

CERTIFICATE OF SERVICE

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



Kenneth N. Hollies

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