

ORDER NO. 1428

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

Before Commissioners: George Omas, Chairman;
 Tony Hammond, Vice Chairman;
 Dana B. Covington, Sr.; Ruth Y. Goldway;
 and Dawn A. Tisdale

Experimental Premium Forwarding Service

Docket No. MC2005-1

ORDER CONCERNING FURTHER DISCOVERY
DIRECTED TO THE UNITED STATES POSTAL SERVICE
AND OTHER PROCEDURAL MATTERS

(Issued January 11, 2005)

During the prehearing conference held on January 7, 2005, the presentations of counsel for the Postal Service and other participants indicated that the Commission's consideration of the Service's Request in this docket could be accomplished through simplified and expedited procedures. No participant lodged a request for a formal evidentiary hearing in this case. Tr. 1/8. Further, counsel for the Postal Service anticipated—following a settlement conference held the preceding day—that the factual record on its proposal could be completed with the filing of additional errata to its case-in-chief and responses to additional interrogatories to be propounded within the next three weeks. *Id.* at 5-6, 7-8.

Postal Service counsel also reported, on the basis of the previous day's conference, that a settlement in this case "appears reasonably likely." *Id.* at 6. Counsel for OCA concurred in this conclusion, on the assumption that responsive information is provided to additional interrogatories to be addressed to the Service in the next three weeks. *Id.* at 6-7.

In light of these circumstances, counsel for the Postal Service proposed that new discovery requests directed to its case-in-chief be allowed until January 27, with appropriate opportunities for follow-up questions. He also requested that the Commission not establish any further procedural steps at this time, pending a further report on settlement discussions he proposed to provide on January 31, 2005.

The Commission will grant the Postal Service's requests in view of the procedural posture of this case. Because no participant requests formal procedures beyond the prompt completion of written discovery, it is reasonable to establish a discovery deadline in the near future. The Commission will adopt the Postal Service's suggested deadline of January 27, 2005.

The Commission will also accept the suggested date of January 31 as the deadline for the next Postal Service status report on settlement negotiations. Following this report, it should be possible to establish further procedural steps in this case.

Finally, as Chairman Omas noted during the prehearing conference, there are several outstanding Postal Service motions for late acceptance of various filings. In each instance, the minor delay in filing is adequately explained, and would not appear to prejudice any other participant. Accordingly, the Service's motions shall be granted at this time.

It is ordered:

1. The deadline for discovery requests directed to the United States Postal Service is Thursday, January 27, 2005.
2. Counsel for the United States Postal Service shall file a further report on the status of settlement negotiations by January 31, 2005.
3. The Motion of United States Postal Service for Late Acceptance of Abdirahman Responses to Interrogatories of David B. Popkin (DBP/USPS-T3-4[D]-6), filed December 20, 2004, is granted.

4. The Motion of United States Postal Service for Late Acceptance of Koroma Response to Interrogatory of the Office of the Consumer Advocate (OCA/USPS-T4-3), filed December 21, 2004, is granted.
5. The Motion of United States Postal Service for Late Acceptance of Witness Arnetta L. Cobb Responses to Interrogatories of David B. Popkin (DBP/USPS-T1-38, 40-48), filed January 4, 2005, is granted.
6. The Motion of United States Postal Service for Late Acceptance of Partial Objection to David B. Popkin Interrogatory, DBP/USPS-T1-51, filed January 5, 2005, is granted.
7. The Motion of United States Postal Service for Late Acceptance of Witness Arnetta L. Cobb Responses to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-T1-23-31, 33-35), filed January 6, 2005, is granted.
8. The Motion for Late Acceptance of Responses of United States Postal Service Witness Samuel J. Koroma to Interrogatories of David B. Popkin (DBP/USPS-T4-1-9), filed January 6, 2005, is granted.

By the Commission
(SEAL)

Steven W. Williams
Secretary