

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

POSTAL RATE AND FEE CHANGES

Docket No. R2005-1

**Motion Of Major Mailers Association Seeking
(1) Permission To File Second Set Of Interrogatories
And Document Production Requests To United States Postal Service
Witness Maura Robinson(MMA/USPS-T27-2-4) And
(2) An Order Directing Shortened Response Period**

To: Hon. George Omas
Presiding Officer

Major Mailers Association (MMA) hereby requests that MMA's Second Set Of Interrogatories And Document Production Requests To United States Postal Service Witness Maura Robinson (MMA/USPS-T27-2-4), which are also being filed this date, be accepted for filing out of time. MMA further requests that USPS witness Robinson be directed to provide response to these interrogatories and document production requests (interrogatories) no later than June 24, 2005. There is good cause for the relief MMA is seeking.

1. Presiding Officer's Ruling 11, issued May 19, 2005, established June 10, 2005 as the cutoff date for discovery on the Postal Service's Group A witnesses, including Maura Robinson. See, POR 11 at 2. Accordingly, MMA's second set of interrogatories *technically* is being filed three business days out of time. Nevertheless, MMA submits that good cause exists to grant leave to file these interrogatories.

2. MMA acted diligently and propounded its first set of interrogatories to USPS witness Robinson on May 9, 2005. Pursuant to Rules 26 and 27 of the Commission's Rules Of Practice And Procedure, Ms. Robinson's responses should have been filed by May 23, 2005. However, her responses were not filed until June 10, 2005, ***over two weeks late on the discovery cutoff date***. Had Ms. Robinson's responses been timely filed, MMA would have had ample opportunity to propound its second set of interrogatories well within the

prescribed discovery period. Under these circumstances, failure to accept MMA's second set of interrogatories to USPS witness Robinson for filing at this time will deprive MMA of the due process to which it is entitled under the Commission's Rules Of Practice And Procedure as well as the procedural orders issued in this case.

3. Pursuant to POR 22, issued June 14, 2005, USPS witness Robinson is scheduled to testify on June 28, 2005 and designations of written cross-examination must be filed by noon on June 27, 2005. See, POR 22 at 1, Attachment A. Under normal procedures, responses to interrogatories filed today would not be due until the day *after* Ms. Robinson is scheduled to testify. Accordingly, if MMA is to have a reasonable opportunity to meet the deadline for designating the responses to its second set of interrogatories as written cross examination, the Presiding Order must direct Ms. Robinson to respond no later than June 24, 2005.

4. Granting the relief MMA is requesting makes good sense under the circumstances. The second set of interrogatories and document production requests that MMA has propounded are straightforward and should be relatively easy for the witness to respond to by June 24, 2005. Accordingly, a grant of the relief requested by MMA should not unduly burden USPS witness Robinson or delay her scheduled appearance at the hearing. Moreover, permitting MMA to file these interrogatories now and designate the responses as written cross examination will help to streamline the hearing procedures and limit oral cross examination of Ms. Robinson by MMA and, possibly, other interested parties.

CONCLUSION

For all the foregoing reasons, MMA respectfully requests that:

1. MMA's Second Set Of Interrogatories And Document Production Requests To United States Postal Service Witness Maura Robinson (MMA/USPS-T27-2-4) be accepted for filing; and
2. USPS witness Robinson be directed to provide responses on or before June 24, 2005.

Respectfully submitted,

Major Mailers Association

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Dated: Middleburg, Virginia
June 15, 2005