

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

POSTAL RATE AND FEE CHANGES
PURSUANT TO PUBLIC LAW 108-18

Docket No. R2005-1

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO THE OFFICE OF THE CONSUMER ADVOCATE'S
MOTION TO COMPEL RESPONSES TO INTERROGATORIES OCA/USPS-196-207
(September 16, 2005)

The OCA argues that the Postal Service's objection is inconsistent with an unspecified Presiding Officer's ruling and "recent interrogatory practice."¹ The OCA's argument ignores the plain language of rule 25(a), which unequivocally states that the only exception to the otherwise applicable discovery deadline is "for the purpose of the development of rebuttal testimony." Applicable Presiding Officer's Rulings concerning this rule and its predecessor special rule are consistent with the plain language and do not support the OCA's argument.² The OCA makes no claim, nor could it, that it needs the responses to the interrogatories in order to develop rebuttal testimony. Nothing in the OCA's motion can or does overcome the fundamental fact that these interrogatories are untimely and unauthorized as outside the ambit of the extended discovery period allowed for development of rebuttal testimony.

¹ OCA Motion To Compel Responses To Interrogatories OCA/USPS-196-207, at 1 (September 9, 2005).

² See Presiding Officer's Ruling Nos. R97-1/85, at 4; MC96-3/36, at 2; R87-1/118, at 1-2.

The OCA nevertheless attempts to argue that responses would somehow be helpful to the Commission. In fact, given the speculative nature of the questions, responses could serve no useful purpose at this juncture. The interrogatories seek speculative answers based on a series of hypotheticals: if Congress passes legislation, and if the legislation contains additional costs, and if the Postal Service takes the position that the case should not be withdrawn, contrary to what it has heretofore stated. Unless and until actual legislation is passed and analyzed, it is premature and impossible to speculate accurately on its effect on the request in this docket. Should these or other eventualities come to pass,³ the Postal Service will make a determination on the status of its request in this docket, and it will inform the Commission and the participants of that determination.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

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³ However imminent they may have seemed to the OCA when it drafted its interrogatories a month ago, they have not materialized.

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.

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