

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
Submitted 7/5/2006 8:00 am
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EVOLUTIONARY NETWORK DEVELOPMENT]
SERVICE CHANGES, 2006]

DOCKET NO. N2006-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORY
DBP/USPS-60

I move to compel responses to the interrogatory submitted to the United States Postal Service that has not been responded to by them.

July 5, 2006

Respectfully submitted,

N20061MTC3

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

On March 24, 2006, I submitted Interrogatory DBP/USPS-60 to the United States Postal Service. A reply to that Interrogatory was due 14 days later or by April 7, 2006. It is now some 87 days later and a reply has yet to be received.¹

In the SECOND NOTICE OF THE UNITED STATES POSTAL SERVICE REGARDING THE STATUS OF OUTSTANDING DISCOVERY RESPONSES filed on June 21, 2006, the Postal Service stated, "The Postal Service continues to determine how to produce information responsive to DBP/USPS-60."

The failure of the Postal Service to promptly respond to discovery has the obvious effect of delaying litigation of the case. One of the specific problems that I find it leads to is exactly what will result in this instance. Had the Postal Service responded to this Interrogatory on time, I would have had ample time to file follow-up interrogatories that met the requirements of the Commission's Rules of Practice as well as those that were "triggered" by the response. Now that discovery has ended, I am limited to filing only those that strictly meet the

¹ It is noted that the cover sheet of the response made on June 23, 2006, stated it was to DBP/USPS-60 and 75 when it was to DBP/USPS-61 and 75.

requirements of the Rules and I am also limited to a 7-day period. Furthermore, I may even be unable to file a follow-up interrogatory due to the procedural schedule.

For the reasons stated, I move to compel responses to the referenced interrogatory.

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.

David B. Popkin July 5, 2006
