

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
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Postal Rate and Fee Changes, 2006]

DOCKET NO. R2006-1

RESPONSE OF DAVID B. POPKIN TO THE MOTION OF THE UNITED STATES POSTAL
SERVICE FOR LATE ACCEPTANCE OF RESPONSES TO INSTITUTIONAL
INTERROGATORIES FROM DAVID POPKIN

I wish to file a Response to the Postal Service's Motion for Late Acceptance of Responses to Interrogatories.

July 21, 2006

Respectfully submitted,

R20061REPLY1

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

On June 5, 2006, I submitted a number of Interrogatories to the Postal Service. In accordance with the Commission's Rules of Practice, responses to those Interrogatories were to be filed within 14 days or by June 19, 2006. Responses to these Interrogatories were not filed until yesterday, July 20, 2006, or some 31 days late.

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 resulted 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 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 lateness of the procedural schedule.

Obviously, not allowing the Postal Service to file the responses late is not the solution since a late filing is better than no filing at all. The party that has been prejudiced by this failure to file the responses on time should at least be permitted to file follow-up interrogatories that are

"triggered" by the late responses so long as they are filed within the same 7-day period. Otherwise, there is no incentive for the Postal Service to file its responses on time.

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 21, 2006
