

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

Complaint of Capital One Services, Inc.

Docket No. C2008-3

PRESIDING OFFICER'S RULING
CONCERNING POSTAL SERVICE OBJECTION
TO DOCUMENT REQUESTS COS/USPS-23 THROUGH 38

(Issued May 5, 2009)

On April 30, 2009, the Postal Service filed an objection to document requests COS/USPS-DR-23 through 38¹ contending that the document requests are moot in light of Order No. 208.² The Postal Service interprets the order as establishing a process for review and production of Postal Service documents subject to Capital One's requests that also encompasses the instant document requests. If this interpretation is in error, the Postal Service requests a reasonable extension to present specific objections.

Order No. 208 is not to be interpreted as a blanket waiver of the general rules for discovery. The document requests at issue were timely filed, and either specific objections should be filed, or the requested documents should be provided. With the interest of bringing this case to a timely resolution, it would be counterproductive and burdensome to require a requesting party to sift through the volume of information anticipated as a result of Order No. 208 to find responses to specific, timely discovery

¹ Objection of the United States Postal Service to Document Requests of Capital One Services, Inc. (COS/USPS-DR-23-38), April 30, 2009.

² PRC Order No. 208, Order on Capital One Motion to Compel and Extension of Deadlines Certified to the Commission by Presiding Officer's Ruling No. C2008-3/38, April 29, 2009 (Order No. 208).

requests. The Postal Service may interpose applicable specific objections, if any, by May 11, 2009. Otherwise, responses must be provided by May 15, 2009.

RULING

The Postal Service shall file objections, if any, to document requests COS/USPS-DR-23 through 38 by May 11, 2009. Otherwise, responses must be provided by May 15, 2009.

Dan G. Blair
Presiding Officer