

DOCKET SECTION

PRESIDING OFFICER'S
RULING NO. R97-1/108

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

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Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING DENYING NEWSPAPER ASSOCIATION OF AMERICA MOTION

(March 12, 1998)

On February 27, 1998, the Newspaper Association of America (NAA) directed six interrogatories to the United States Postal Service. These interrogatories were accompanied by a motion for leave to file after the discovery cut-off.¹ On March 9, 1998, the Postal Service filed both an objection to the interrogatories and an opposition to the NAA motion.²

The scope of Rule 2.E. is limited to interrogatories to obtain information only available from the Postal Service for the purpose of developing rebuttal testimony. As the Postal Service states in its Objection, the time for submitting discovery to the Postal Service under Rule 2.E. expired on February 17, 1998. See Objection at 1, n.1; P.O. Ruling R97-1/54.

NAA supports its request to file interrogatories concerning a potential new service option after the cut-off for discovery by explaining that it was unaware of

¹ Newspaper Association of America Interrogatories to the United States Postal Service (NAA/USPS-22-27) and Newspaper Association of America Motion to Leave to File Attached Interrogatories After Discovery Cut-Off.

² Objection of United States Postal Service to Interrogatories of the Newspaper Association of America (NAA/USPS-22-27) (Objection); and United States Postal Service Answer in Opposition to Newspaper Association of America Motion [for] Leave to File Attached Interrogatories After Discovery Cut-Off.

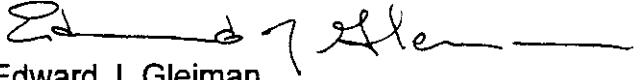
that potential new service option until after February 17, 1998. It contends that its interrogatories seek potentially relevant information regarding cost projections and the value of service for affected (Standard A) mail.

While NAA explains its failure to file these requests before the cut-off for discovery, it does not justify extending discovery. The Postal Service continually evaluates the potential for programs which could have an impact on the costs and value of service of numerous categories of mail. NAA has not shown that the particular concept it is concerned with has the potential to make any meaningful difference on the cost or value of service of Standard A mail in the Test Year. In fact, it contends only that its interrogatories meet the minimum requirement for timely discovery requests.

This proceeding is nearing completion. Participants have already submitted rebuttal testimony. On balance, the likelihood that allowing this additional discovery as requested by NAA would generate material evidence is small, while the likelihood that it would disrupt the timely conclusion of this docket is substantial. NAA thus fails to justify a waiver of special rule 2.E.

RULING

The Newspaper Association of America Motion to Leave to File Attached Interrogatories After Discovery Cut-Off, filed February 27, 1998, is denied.


Edward J. Gleiman
Presiding Officer