

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

COMPLAINT ON POST E.C.S.

Docket No. C99-1

**REPORT ON DISCUSSIONS BETWEEN THE
UNITED STATES POSTAL SERVICE AND UNITED PARCEL SERVICE
IN RESPONSE TO PRESIDING OFFICER'S RULING NO. C99-1/3
(July 14, 1999)**

On July 7, 1999, the Presiding Officer issued P.O. Ruling No. C99-1/3. That ruling directed the Postal Service and United Parcel Service (UPS) to "meet and discuss issues related to discovery during the first phase of this case" P.O. Ruling No. C99-1/3 at 7. The undersigned counsel and counsel for UPS discussed these matters yesterday morning. The outcome of that discussion is as follows:

1. The Postal Service will no longer pursue its "General Objection" to all discovery, as initially presented in the Objection of the United States Postal Service to UPS Interrogatories UPS/USPS-1-24 (May 25, 1999) at pages 1-4 and the United States Postal Service Answer in Opposition to the Motion of UPS to Compel Answers to Interrogatories UPS/USPS-1-7 (except 5(g)) and 9-20 (June 18, 1999) at pages 2-3.
2. The Postal Service will file responses to UPS discovery for which no specific objection has been filed by Tuesday, July 20. Interrogatories falling with this category include: UPS/USPS-1(a), -9, -18, -19, -20(b), and -35.
3. The Postal Service will answer interrogatory UPS/USPS-5(a) by Tuesday, July 20, to the extent the interrogatory asks for mass media advertising.

4. The Postal Service is willing to provide responses to interrogatories UPS/USPS-3(a),¹ 5(a-c), 6, 10, 11, and 12, *to the extent the Postal Service has conceded the relevance of information responsive to these questions as stated in its answer to UPS's motion to compel responses to these interrogatories*² (see pages 18-21 of the United States Postal Service Answer in Opposition to the Motion of UPS to Compel Answers to Interrogatories UPS/USPS-1-7 (except 5(g)) and 9-20 (June 18, 1999)), but only under the protective conditions proposed by the Postal Service in the attachment to the Response of the United States Postal Service to P.O. Ruling No. C99-1/2 with Respect to Protective Conditions (filed June 8, 1999). Since the parties disagree as to the protective conditions, the parties respectfully request that the Presiding Officer issue a ruling with regard to applicable protective conditions. Also, UPS continues to maintain that it is entitled to that information in these interrogatories to the extent stated in UPS's Motion to Compel, even though the Postal Service has not conceded the relevance of that information.
5. The parties did not reach agreement on the remaining discovery disputes. The parties respectfully request that the Presiding Officer rule on pending motions related to this discovery.

¹The Postal Service has reexamined this interrogatory and believes that an answer can be provided without compromising any commercially sensitive information. The Postal Service therefore intends to answer this subpart on Tuesday, July 20, without the need for protective conditions; however, by providing a response, the Postal Service does not intend to waive any objections it may have to follow-up interrogatories.

² See also Objection of the United States Postal Service to UPS Interrogatories UPS/USPS-1-24 (May 25, 1999).


The undersigned counsel has shared an advance copy of this pleading with counsel for UPS, and counsel for UPS agrees that it embodies the substance of the discussion between the parties.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

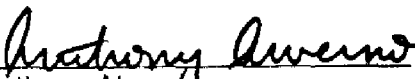
By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking


Anthony Alverno

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.


Anthony Alverno

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