

BEFORE THE
POSTAL RATE COMMISSION

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

COMPLAINT ON POST E.C.S.

DOCKET NO. C99-1

STATEMENT IN SUPPORT OF MOTION OF
UNITED PARCEL SERVICE FOR EXTENSION OF
TIME TO FILE CASE-IN-CHIEF AND FOR
EXPEDITED RESPONSE THERETO
(July 20, 1999)

The Coalition Against Unfair USPS Competition (CAUUC) hereby supports the motion by United Parcel Service (UPS) for an extension of time to file its case-in-chief. The deadline for filing a case-in-chief is only one week away, July 27. Because of the Postal Service's failure to respond to numerous discovery requests by UPS, the facts necessary to develop a case-in-chief are not available.

The Postal Service has refused to provide any answers to discovery requests even those to which it has not objected. These discovery requests have been pending since mid-May. As noted by UPS in its motion, the Postal Service controls all the relevant data. UPS Motion for Extension, p. 2.

The Coalition is well familiar with the importance of discovery from the Postal Service. In two recent cases in which it was the principal participant, the cases could only have been successfully litigated with discovery from the Postal Service. Even then, the Postal Service resisted mightily various discovery requests. Complaint of Coalition Against Unfair USPS Competition, C-96-1 and Provisional Packaging Service MC-97-5.

It is not reasonable that the deadline for filing a case-in-chief in a major complaint case such as this should lapse before the critical issue of discovery is resolved by the Presiding Officer. The Coalition supports the Motion of UPS for Extension and urges the Presiding Officer to schedule a prehearing conference to expedite the procedure including resolving this discovery impasse.

The USPS Motion for Extension should be granted and a pre-hearing conference scheduled to resolve these matters.

Respectfully Submitted



Steven W. Silver
Attorney at Law

Robertson, Monagle & Eastaugh
2300 Clarendon Blvd., Suite 1010
Arlington, VA 22201
(703)527-4414

Certificate of Service

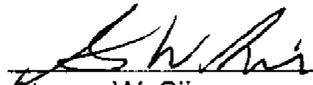
I HEREBY CERTIFY I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

John E. McKeever
Piper & Marbury
3400 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103

Nicole P. Kangas
1200 19th Street, N.W.
Washington, D.C. 20036

David P. McClure
Association of Online Professionals
6096 Franconia Road
Suite D
Alexandria, VA 22315

Daniel J. Foucheaux
Anthony F. Alverno
United States Postal Service
475 L'Enfant Plaza West, S.W.
Washington. D.C. 20260-1137



Steven W. Silver