

UNITED STATES OF AMERICA
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.

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Docket No. C99-1

OFFICE OF THE CONSUMER ADVOCATE
WITHDRAWAL OF INTERROGATORIES
OCA/USPS-8, 9 (UNANSWERED PORTION), 10, 11, 13,
16 (UNANSWERED PORTION), 17, AND 18 (UNANSWERED PORTION)
(August 2, 1999)

The Office of the Consumer Advocate (OCA) hereby withdraws interrogatories OCA/USPS-8, 9 (unanswered portion), 10, 11, 13, 16 (unanswered portion), 17, and 18 (unanswered portion),¹ but reserves the right to re-file these interrogatories in a subsequent phase of this proceeding if the Commission determines in the first phase that it has jurisdiction over Post E.C.S.

P.O. Ruling No. C99-1/3² provides that: "This proceeding shall be considered in phases, with the first phase limited to the issue of whether Post E.C.S. is a postal service for purposes of Chapter 36 of Title 39."³ A corollary of this determination is that:

¹ The Postal Service filed an objection to these interrogatories on July 16, 1999. On July 30, 1999, OCA filed a motion to compel responses to interrogatories OCA/USPS-12 and -14, which were among those interrogatories objected to on July 16. OCA has argued that interrogatories 12 and 14 may adduce evidence relevant to the jurisdictional issues of whether Post E.C.S. is a postal service and the domestic/international character of Post E.C.S.

² "Presiding Officer's Ruling Granting in Part Motion of United States Postal Service for Partial Reconsideration of Presiding Officer's Ruling No. C99-1/2 and Establishing Special Rules of Practice," issued July 7, 1999.

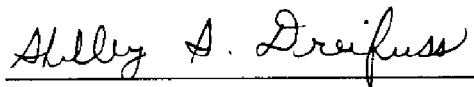
³ *Id.* at 7.

“In the first phase of this case, discovery can be limited to matters bearing on the ‘postal’ aspects of Post E.C.S., with discovery on more commercially sensitive topics deferred until later.”⁴

Using this statement as a guide to permissible discovery requests, OCA concludes that the captioned interrogatories are better suited to a subsequent phase of the proceeding since they do not focus solely on jurisdictional issues. Therefore, OCA withdraws interrogatories OCA/USPS-8, 9 (unanswered portion), 10, 11, 13, 16 (unanswered portion), 17, and 18 (unanswered portion), but reserves the right to re-file them in a later phase of this docket if the Commission finds that it does have jurisdiction over Post E.C.S.

Respectfully submitted,

OFFICE OF THE CONSUMER ADVOCATE



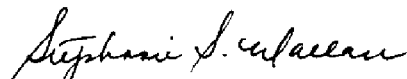
Ted P. Gerarden
Director

Shelley S. Dreifuss
Attorney

⁴ *Id.* at 3.

CERTIFICATE OF SERVICE

I hereby certify that 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.


Stephanie S. Wallace

Washington, D.C. 20268-0001
August 2, 1999