

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
Submitted 7/5/2006 8:00 am
Filing ID: 50149
Accepted 7/5/2006

Postal Rate and Fee Changes, 2006]

DOCKET NO. R2006-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES DBP/USPS-45 subpart a, 46 subpart a, 47 subpart a, 48 subpart b, 52, 53, 59 subparts a through c and e through k, 68, 83, 103, and 104

I move to compel responses to the interrogatories submitted to the United States Postal Service that have not been responded to by them.

July 5, 2006

Respectfully submitted,

R20061MTC3

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

On June 5, 2006, I submitted Interrogatories DBP/USPS-43 through 85 to the United States Postal Service. Replies to those Interrogatories were due 14 days later or by June 19, 2006. In their June 19th response, the Postal Service stated, "[The requested information is being researched for use in a supplemental response.]" in reply in Interrogatories DBP/USPS-45 subpart a, 46 subpart a, 47 subpart a, 48 subpart b, 52, 53, 68, 83.

With respect to Interrogatory DBP/USPS-59, on June 20, 2006, the Postal Service filed an objection to subpart d of that interrogatory. In that objection, the Postal Service stated, Interrogatory DBP/USPS-59 was deleted from the set, despite answers to some parts being available, because nuances in the questions went further than recognized initially. A Motion to Compel a response to Interrogatory DBP/USPS-59 subpart d will be filed separately since this Motion is being limited to those Interrogatories that have not received a timely response by the Postal Service.

The Postal Service has not responded to the above referenced Interrogatories in over 28 days or twice the allowable time.

Interrogatories DBP/USPS-103 and 104 were filed on June 14, 2006, and a response was due June 28, 2006.

The failure of the Postal Service to promptly respond to discovery has the obvious effect of delaying litigation of the case. One of the specific problems that I find it leads to is exactly what may result in this instance. Had the Postal Service responded to this Interrogatory on time, I would have had ample time to file follow-up interrogatories that met the requirements of the Commission's Rules of Practice as well as those that were "triggered" by the response. Now that discovery has ended, I am limited to filing only those that strictly meet the requirements of the Rules and I am also limited to a 7-day period. Furthermore, I may even be unable to file a follow-up interrogatory due to the procedural schedule.

For the reasons stated, I move to compel responses to the referenced interrogatories.

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.

David B. Popkin July 5, 2006
