

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Complaint of Capital One Services, Inc.

Docket No. C2008-3

PRESIDING OFFICER'S RULING  
CONCERNING MOTION TO COMPEL  
RESPONSES TO INTERROGATORIES VP/USPS-5-11

(Issued April 30, 2009)

On April 20, 2009, Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. (Valpak) filed a motion seeking a ruling to compel the Postal Service to provide responses to interrogatories VP/USPS-5-11.<sup>1</sup> The interrogatories were submitted to the Postal Service on October 10, 2008.

On April 27, 2008, the Postal Service filed a response to the motion asserting that it would be filing responses to the interrogatories that day.<sup>2</sup> Subsequently, the Postal Service filed its responses to the interrogatories, along with a motion for late acceptance.<sup>3</sup> The Postal Service acknowledges Valpak's right to submit follow-up interrogatories pursuant to rule 26(a).

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<sup>1</sup> Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Motion to Compel Answers to Interrogatories to the United States Postal Service (VP/USPS-5-11), April 20, 2009.

<sup>2</sup> Response of the United States Postal Service to Motion of Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. to Compel Answers to Interrogatories (VP/USPS-5-11), April 27, 2009.

<sup>3</sup> Responses of the United States Postal Service to Interrogatories of Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. (VP/USPS-5-11), April 27, 2009; and Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. (VP/USPS-5-11), April 27, 2009.

The Postal Service's filing of responses to interrogatories VP/USPS-5-11 renders the Valpak motion to compel moot. The Postal Service's motion for late acceptance is granted.

#### RULING

1. The Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Motion to Compel Answers to Interrogatories to the United States Postal Service (VP/USPS-5-11), filed April 20, 2009, is moot.
2. The Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. (VP/USPS-5-11), filed April 27, 2009, is granted.

Dan G. Blair  
Presiding Officer