

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

Evolutionary Network Development
Service Changes

Docket No. N2006-1

PRESIDING OFFICER'S RULING ON MOTION
CONCERNING PROCEDURAL SCHEDULE

(Issued May 19, 2006)

The American Postal Workers Union, AFL-CIO (APWU) has filed a motion seeking revisions in the procedural schedule.¹ It suggests, based on several developments, that the period for discovery against the Postal Service's direct case, now scheduled to end May 22, be extended to a date that coincides with 30 days after the Service provides certain documents, plans and answers, and that the remainder of the procedural schedule be adjusted accordingly.²

APWU asserts that this revision will allow participants time to evaluate the anticipated, but not yet filed, documents, plans and answers to interrogatories pertaining to public input on the AMP process and END program. It claims that "[t]he communication documents and procedures that are currently under development are of

¹ Motion of American Postal Workers Union, AFL-CIO, to Extend Discovery (APWU Motion), May 17, 2006. In support of its expectation that certain documents and answers to interrogatories will be forthcoming, APWU cites the Service's statement in response to APWU/USPS-T2-15. APWU Motion at 2. Commission rule 21(b) allows 7 days for answers to the APWU Motion. As the deadline at issue falls within that period, this ruling is being issued before any answers have been received.

² APWU identifies the material it seeks as "copies of documents to be used to invite public comment, copies of the RDC planning concept document that blends the principles of AMP with facility planning concepts, and copies of its [the Postal Service's] RDC Activation Communication Plan." *Id.* at 1. In addition to the Postal Service's response to APWU/USPS-T2-15, APWU specifically cites answers to APWU/USPS-T2-13, APWU/USPS-T1-21 and OCA/USPS-T2-18 in support of its request for documents and plans. *Id.* at 2.

high intrinsic value and must be produced and evaluated in this proceeding as soon as they are available.” *Id.* at 2-3.

In further support of its motion, APWU asserts that the time available for follow-up interrogatories prior to the hearing on the Postal Service’s direct case — now scheduled for June 15 and 16 — has been reduced considerably by the Service’s tardiness in filing answers to interrogatories. *Id.* at 3. It claims that extending discovery will help to minimize the effects of the delayed responses and ensure that the utility of the discovery process is preserved. *Id.* at 3-4. Finally, APWU notes that it is considering presenting testimony on the topic of public input on the AMP process and END program, and contends that it should not be required to do so before the Postal Service has presented the referenced documents and responded to interrogatories. *Id.* at 4.

The Service’s representations indicate that the documents referred to by APWU are relevant and material; therefore, as APWU states, they should be made available as soon as possible.³ However, I am reluctant to extend discovery on the proposed terms without a clear indication from the Service on the status of the documents referred to in the APWU Motion, including the anticipated filing date. I therefore request a status report from the Postal Service no later than May 25, and suspend the May 22 deadline for completion of discovery against the Service’s direct case. The status report shall include a statement addressing the anticipated filing date of responses to all outstanding discovery requests filed as of today that are not subject to an objection or motion to compel a response.

No other adjustments in the schedule are being made at this time. A further ruling will be issued following consideration of the Service’s status report.

³ See, e.g., Responses of United States Postal Service Witness Williams to APWU Interrogatories APWU/USPS-T2-13-19, 22-23, April 7, 2006 (Postal Service Responses to APWU/USPS-T2-13(a) and (d) and to APWU/USPS-T2-15(c) and (d)).

RULING

1. The May 22, 2006 deadline for discovery against the Postal Service's direct case is suspended.
2. The Postal Service is directed to submit a status report on the documents and plans referred to in the APWU Motion and on outstanding discovery, as described in the body of this ruling, no later than May 25, 2006. The status report shall include a statement addressing anticipated filing dates.
3. The Motion of the American Postal Workers Union, AFL-CIO, to Extend Discovery (APWU Motion), filed May 17, 2006, is granted in part.

Dawn A. Tisdale
Presiding Officer