

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

Postal Rate and Fee Changes

Docket No. R2006-1

PRESIDING OFFICER'S RULING
DENYING MOTION TO COMPEL RESPONSES TO
INTERROGATORIES OCA/USPS-100-108

(Issued December 19, 2006)

On December 11, 2006, OCA filed a motion to compel responses to interrogatories OCA/USPS-100-108.¹ These interrogatories seek data from the Delivery Operations Information System (DOIS) and related explanatory materials. DOIS contains a variety of data on city carrier operations.

OCA submitted its discovery request on November 15, 2006.² In the preamble to the discovery request OCA asserts that “[t]hese data will give OCA and other participants the raw material to make informed recommendations to the Commission in the upcoming informal rulemaking.” See Commission Order No. 1482 at 6.

OCA’s Motion acknowledges the burden associated with developing the comprehensive DOIS database as specified in OCA/USPS-100. To reduce the burden, OCA now requests that the Postal Service provide any of the data requested by OCA/USPS-100 that may already have been produced and that can be expeditiously provided. Similarly, OCA is willing to accept a response to OCA/USPS-108 scaled down to information on Zip Code reconfiguration that may be accessed without an

¹ Office of the Consumer Advocate Motion to Compel Responses to Interrogatories OCA/USPS-100-108, filed December 11, 2006 (revised December 13, 2006) (Motion).

² Office of the Consumer Advocate Interrogatories to United States Postal Service: (OCA/USPS-100-111), November 15, 2006.

excessive expenditure of resources. OCA also does not object to receiving select responses under confidential conditions to alleviate the Postal Service's privilege concerns. With respect to the timing of these interrogatories, OCA notes the difficulties participants face with obtaining these types of information within the normal constraints of a proceeding.

The Postal Service objected to providing responses on November 27, 2006, and a responsive answer to the Motion on December 12, 2006.³ The Postal Service contends that these interrogatories are not timely (noting that discovery against the Postal Service ended on July 14), are not proper follow-up, and are intended to provide information for future cases or rulemakings. It states that the burden to provide responses would be monumental, estimating 1300 work hours, \$90,000 in outside contractor costs, and 200 CDs worth of data for interrogatory 100 alone. This does not include an estimate to convert the raw data into a format useful for analysis. The Postal Service also raises privilege concerns noting that the requested information includes disaggregate volume and labor hour information on virtually every city delivery carrier route in the country. The sensitivity concerns extend to contentious issues in labor relations disputes, and protection of intellectual property. Finally, the Postal Service expresses skepticism of the utility of providing even greater amounts of DIOS information.

Discussion: Although the information from DIOS and the related explanatory material has the potential of providing useful insight into city carrier operations, the request to provide this information comes very late in the proceeding. OCA's original assertion states it seeks this information for future use. Thus, not providing the information should not be prejudicial to any participant's position in this omnibus rate case. The Commission is confident that the Postal Service will be cooperative in

³ Objection of the United States Postal Service to Interrogatories of the OCA (OCA/USPS-100-108), November 27, 2006; Opposition of the United States Postal Service to the OCA's Motion to Compel Responses to OCA/USPS-100-108, December 18, 2006.

providing information in future proceedings to allow all participants to understand costs. The motion to compel is denied.

RULING

The Office of the Consumer Advocate Motion to Compel Responses to Interrogatories OCA/USPS-100-108, filed December 11, 2006 (revised December 13, 2006), is denied.

George Omas
Presiding Officer