

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

**Rate and Service Changes To Implement
Baseline Negotiated Service Agreement
With Bank of America Corporation**

Docket No. MC2007-1

**MOTION OF THE AMERICAN POSTAL WORKERS UNION, AFL-CIO
TO COMPEL UNITED STATES POSTAL SERVICE TO ANSWER
INTERROGATORY APWU/USPS-ST3-3(d)
(June 4, 2007)**

Pursuant to Rule 26(e) of the Rules of Practice, the American Postal Workers Union, AFL-CIO (APWU) hereby respectfully requests the presiding officer to direct Postal Service witness Raney to respond to interrogatory APWU/USPS-ST3-3(d), filed on May 9, 2007.

Interrogatory APWU/USPS-ST3-3(d) states:

Please provide a recent copy of a "Sort Plan Area Summary" End-Of-Run report for a comparable length of time as described on page 2 of LR-K-68. The location and identification of the plant can be redacted but please label and define all the items that show on that report and explain how you would use it to calculate the percentage of mail finalized.

On May 21, 2007, the Postal Service objected to responding to the interrogatory claiming that the information requested is irrelevant and commercially sensitive and proprietary in nature.

The Postal Service claims that "a single report from a single facility at a single point in time is certainly not representative of either a baseline number based on averages or any numbers or measurements derived from a specific customer's mail." The Postal Service's contention that the information is irrelevant is completely

without merit. The purpose of Interrogatory APWU/USPS-ST3-3(d) is to further an understanding of the *type* of data used to determine the baseline measurements in this case. The actual numbers contained in the report are only necessary to understand the information on the form. End-of-Run reports are the reporting forms used to collect the underlying data used to establish the benchmark from which improvements will be measured and financially rewarded. Clearly then, the requested information is relevant to this case.

The Postal Service also claims that the requested report contains commercially sensitive and proprietary information. Given the information requested and the protections afforded to the Postal Service in the interrogatory itself, this claim is baffling. As acknowledged by the Postal Service, the APWU is seeking information pertaining to a single facility at a single point in time. Moreover, understanding that, at least arguably, there may be some proprietary information contained in this report, Interrogatory APWU/USPS-ST3-3(d) specifically permits the Postal Service to redact the location and identification of the plant. Therefore, it is difficult to understand how the information, limited as such, poses a danger to the commercial or proprietary interests of the Postal Service. In fact, the Postal Service has failed to articulate any *actual* harm that would result from the disclosure of this information. The harm claimed by the Postal Service is speculative at best. The Postal Service is a public entity and has the responsibility to conduct its business in a transparent fashion. The proposed NSA, if approved, will form the baseline for all future pay-for performance NSAs. Therefore, access to information critical to an

understanding of the data relied on to construct the benchmark measurements should not be blocked from public scrutiny by weak, speculative claims of harm.

For the foregoing reasons, the APWU respectfully requests the Motion to Compel be granted.

Respectfully submitted,

Darryl J. Anderson
Jennifer L. Wood
Counsel for American Postal Workers Union, AFL-CIO