

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

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**Complaint of Capital One  
Services, Inc.**

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**Docket No. C2008-3**

**INTERROGATORIES OF THE AMERICAN POSTAL  
WORKERS UNION, AFL-CIO TO THE  
UNITED STATES POSTAL SERVICE (APWU/USPS-1-5)  
(August 26, 2008)**

Pursuant to Sections 25, 26, 27 and 28 of the Rules of Practice of the Postal Regulatory Commission, and Order No. 92, the American Postal Workers Union, AFL-CIO (APWU) directs the following interrogatories to United States Postal Service.

As used in these interrogatories, the terms listed below are defined as follows:

The term "document" means all writings of any kind, including the originals and all copies, whether different from the originals by reason of any notations made on such copies or otherwise (including without limitation correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations such as telephone calls, meetings or other communications, bulletins, computer printouts, teletypes, telefaxes, worksheets, and all drafts, alterations, modifications changes and amendments of any kind to the foregoing); graphic or oral records or representations of any kind (including without limitation photographs, charts, graphs, microfiche, microfilm, videotape recordings, motion pictures); and electronic, mechanical or electrical

records or representations of any kind (including without limitation e-mails, computer files, tapes, cassettes, discs, recordings).

The term “all documents” means every document as above defined known to USPS and every such document which can be located or discovered by reasonably diligent efforts.

The term “Postal Service” includes all agents, employees, attorneys, representatives, and anyone acting on its behalf, as well as the Board of Governors, contractors and subcontractors to the Postal Service, and the Postal Service Office of Inspector General (OIG).

The term “Bank of America” refers to the Bank of America Corporation and its subsidiaries and affiliates, and includes all agents, employees, attorneys, representatives, and anyone acting on its behalf or on behalf of any of its subsidiaries or affiliates.

The “Bank of America NSA” refers to the Negotiated Service Agreement signed by Bank of America and the Postal Service, dated January 9, 2007, that was the subject of PRC Docket No. MC2007-1.

The term “person” means any natural person, corporation, partnership, proprietorship, association, organization or group of natural individuals.

The term “identify,” when used with regard to a person means to provide the full name, position, address and telephone number of the person. The term “identify,” when used with regard to a document means to describe the subject matter of the document, its author, its date and any addressee.

For each interrogatory response, identify all individuals responsible for providing the response who will be able to confirm the response under oath.

For any objection to or other refusal to answer any portion of any interrogatory, provide all information requested by that portion of the request to which there is no objection, or which an answer is not refused. If an objection is made to an interrogatory on the ground that it is too broad, provide all information determined by USPS to be discoverable. If an objection is made to an interrogatory on the ground that to provide the requested discovery would constitute an undue burden, provide all requested documents that can be supplied without undertaking what is claimed an undue burden. For those portions of any interrogatory to which an objection is raised, or which a complete answer is otherwise refused, state each reason for the objection or declination. If an objection is made to any portion of any interrogatory on the ground that it seeks privileged or otherwise non-discoverable information, state the privilege or other protection asserted, identify all persons to whom the document that is claimed to be non-discoverable have been communicated or displayed, and identify all documents that constitute, contain or reflect such information; and provide a separate list of all assertedly privileged documents that identifies the author, recipient date and general subject matter of each document.

In any instance where a response to an interrogatory cannot be provided in full, so state and then respond to that portion of the interrogatory to which USPS can respond.

You should supplement the responses to answers to these interrogatories in accordance with the provisions of Rule 26(e) of the Federal Rules of Civil Procedure.

Respectfully submitted,

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

**APWU/USPS-1.** In its Answer, filed July 21, 2008, the Postal Service, admitted Paragraph 42 of the Capital One Complaint. This admission indicates that “first adopters” will be treated more favorably than other mailers in NSAs. Please describe in detail the exact process the Postal Service follows to determine which mailers will be given the opportunity of being “first adopters” and how a selection is made between similar mailers to assign one of them that role.

**APWU/USPS-2.** In Paragraph 21 of the Postal Service Answer, the Postal Service “denies that the Board of Governors approved the Bank of America NSA. [USPS] admits that the Governors approved the recommended decision of the Postal Regulatory Commission on the Bank of America NSA.”

- a). Does this statement imply that the Board of Governors did not approve of this NSA?
- b). Does this statement imply that the Board of Governors does not take responsibility for the approval of this NSA?
- c). Did the Board of Governors authorize Postal Management to file the Bank of America NSA?

**APWU/USPS-3.** The *Decision of the Governors on Docket No. MC2007-1* did not provide an estimate of the anticipated impact on postal revenues separate from the Commission’s estimate but states on page 6 that the Offices of Finance and Marketing of the Postal Service did some analyses.

- a). Did these analyses by the Offices of Finance and Marketing include any recognition of potential added reductions in contributions from NSAs that were functionally equivalent to the Bank of America agreement?
- b). In a letter to the Board of Governors on October 15, 2007, the APWU expressed its concern that approval of the Bank of America NSA would leave the Postal Service vulnerable to reduced contributions due to requests from other mailers for comparable NSAs. Please describe any analyses that were done by the Postal Service between the Commission’s issuance of a decision and the time the *Decision of the Governors on Docket No. MC2007-1* was published that addressed the potential impact on revenues of functionally equivalent NSAs.
- c). If such analyses were not done, why not?
- d). If such analyses were done, how many potential functionally equivalent NSAs were identified and what was the estimated potential financial impact of those on the Postal Service?
- e). Between the time of the PRC decision and the publication of the *Decision of the Governors on Docket No. MC2007-1*, did any member of Postal management make a decision to control the risks associated with functionally equivalent NSAs? If so, please identify the member of Postal Management, and the process considered to control these risks.

**APWU/USPS-4.** Prior to its final agreement with Bank of America over the terms of the NSA, did the Postal Service ever discuss the possibility of using a more up-to-date baseline read rate in the agreement with Bank of America? If not, why not?

**AWPU/USPS-5.** Page 6 of the *Decision of the Governors on Docket No. MC2007-1*, states that “notwithstanding any estimated impact on contribution, the benefits of advancing the use of the IMB and the other related programs and processes that will result from implementation of this NSA provide a compelling justification for our approval.”

- a). Please describe any other possible methods of obtaining the information related to the IMB program that the Postal Service considered before deciding to use a rate proceeding with an outdated baseline to achieve that goal.
- b). Was a direct contract with Grayhair software or similar software vendor considered?
- c). If not, why not?