

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

COMPLAINT OF CAPITAL ONE SERVICES, INC.

Docket No. C2008-3

**OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO DOCUMENT REQUEST OF AMERICAN POSTAL WORKERS UNION, AFL-CIO
(APWU/USPS-DR-1)
(September 5, 2008)**

In accordance with the Commission's Rules of Practice and Procedure, the United States Postal Service hereby partially objects to document request APWU/USPS-DR-1, filed on August 26, 2008 by the American Postal Workers Union, AFL-CIO (APWU). The Postal Service objects to this document request on the grounds of relevance, undue burden, and privilege. The full document request states:

APWU/USPS- DR-1. Please file at the PRC in this Docket, to make available for copying by the parties, copies of any speeches, presentations or other documents used in the past year by any Postal officials, including Mr. Donahoe, Mr. Galligan, Mr. Day, Ms. Kingsley, Ms. Mehra and their staff members, that discuss the number of participants using and/or the volume of mail bearing the Intelligent mail barcode prior to the implementation of the Bank of America NSA. These should include presentations on the topic of the IMB as well as presentations on the proposed Service Standards tracking methods that would use the IMB as part of the design.

The Postal Service fails to see how APWU's desired exploration of "the topic of the IMB" and the proposed service standard tracking methods that utilize the IMB is an appropriate area of inquiry in this docket. Indeed, Capital One's Complaint has already ignited several contentious issues and wide-ranging discovery requests, even at a very

early stage in this proceeding. Now, APWU seeks to expand the scope of discovery in this docket even more, by attempting to satisfy its curiosity about the IMB and any service standard tracking methods associated with the IMB. This interrogatory seeks a level of detail beyond the issues in this docket, and is not reasonably calculated to lead to the discovery of admissible evidence. Thus, the Postal Service objects to the above-referenced document request on the grounds of relevance.

The Postal Service also objects to this document request on the grounds of undue burden. APWU's document request is overly broad, particularly in its use of language such as, "any... other documents used in the past year by any Postal officials." Responding to this document request would require the efforts of numerous postal employees, at several work hours per employee, to comb through all speeches, presentations, or any other documents used by postal officials over the past year that were related to the IMB. As discussed above, the Postal Service considers this request to be irrelevant to the issues in this docket, and thus the time required to respond to this wide-ranging request for documents would impose an undue burden on the Postal Service.

Finally, the Postal Service objects to APWU/USPS-DR-1 on the grounds of privilege, as many of the requested documents are likely predecisional and deliberative, and thus covered by the deliberative process privilege. The instant document request is aimed at "presentations on the topic of the IMB as well as presentations on the proposed Service Standards tracking methods that would use the IMB as part of the design" that occurred "prior to the implementation of the Bank of America NSA." Many, if not most, of the documents covered by this request were likely a part of the Postal

Service's decision-making process with regard to the IMB, or related to a whole host of service standard tracking methods. Predecisional drafts, presentations, and other documents related to the IMB or service standard tracking methods reflect the Postal Service's deliberative process, and as such, must be protected under the deliberative process privilege.

Additionally, certain documents covered by this broad document request may be attorney-client privileged, and thus, shielded from disclosure of any kind. Requiring the production of attorney-client privileged documents would create a chilling effect on Postal Service counsel's ability to provide candid legal advice to clients.

Therefore, for the foregoing reasons, the Postal Service objects to APWU/USPS-DR-1 on the grounds of relevance, undue burden, and privilege.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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