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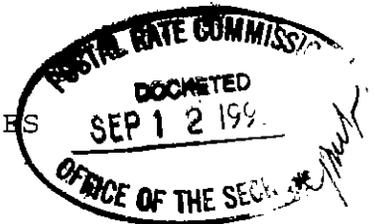
PRESIDING OFFICER'S
RULING NO. MC96-3/12

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Special Services Fees and Classifications

Docket No. MC96-3

PRESIDING OFFICER'S RULING ON
OFFICE OF THE CONSUMER ADVOCATE
MOTIONS TO COMPEL INTERROGATORY RESPONSES



(September 12, 1996)

This ruling addresses the Office of the Consumer Advocate Motion to Compel a Response to Interrogatory OCA/USPS-25(a), filed August 20, 1996; and the Office of the Consumer Advocate Motion to Compel Responses to Interrogatories OCA/USPS-36(a) and (b), 37, and 47, filed August 28, 1996. Each is granted in part as described below.

OCA/USPS-25(a) requests a table showing the number of employees, by craft and office size. The table is to correspond to a table provided previously showing In-Office Cost System (IOCS) tallies by craft and office size. OCA states that a comparison of the two tables will help it to evaluate the reliability of the IOCS.

The Postal Service contends that this information will have limited value because the IOCS is designed to measure work time, not number of employees. It points out that it already presents information more helpful in evaluating the reliability of the IOCS and contends that developing the requested table would be

burdensome. It estimates it would take a week to provide employee complement at the conclusion of a single pay period, and that it might take more than a month to provide tables of all pay periods. As is the case with many motions to compel responses to discovery, a primary focus is on balancing the relevance of the requested information against the burden of developing that information. This docket involves rate and classification changes. The reliability of Postal Service cost evidence is relevant to the evaluation of whether proposed rates, and the contribution to institutional costs resulting from those proposed rates, comply with the rate policies of 39 U.S.C. § 3622(b). The IOCS is a basic data collection system and Postal Service cost evidence is heavily dependent on IOCS results. The data sought by OCA are a means for exploring for areas of further inquiry and evaluation of the IOCS.

The Postal Service has indicated that compilation of data for a single pay period "may take as much as a week."¹ This is not an inconsiderable amount of time, but recognizing the central importance of the IOCS, I find that this effort is justified in order to enable the OCA to examine an obvious measure of the representativeness of actual IOCS tallies. However, the additional benefit of more than one pay period of data does not appear likely to justify the additional burden such work would impose on the Postal Service. Postal Service counsel should identify at least four pay periods which might be compiled and

¹ Opposition of the United States Postal Service to Office of the Consumer Advocate Motion to Compel a Response to Interrogatory OCA/USPS-25(a), August 27, 1996, at 4, n.3.

allow OCA to choose the period it considers most likely to be representative.

Similar considerations dictate my evaluation of the OCA request that the Postal Service be compelled to respond to interrogatory 37. This interrogatory seeks the programs and data files used to produce reliability measures for the IOCS provided by the Postal Service in its filing. The Postal Service notes that the OCA has submitted other interrogatories intended to obtain part or all of this information. A review of the responses provided to those other interrogatories (OCA/USPS-31 and 52) indicates that these answers are unlikely to completely clarify OCA's concerns, and that the requested programs and data files will constitute the best means of allowing OCA to evaluate the reliability estimates submitted by the Postal Service. OCA has agreed that the Postal Service may mask finance numbers or other information considered to be confidential. The requested information may take a man week to produce.² Again, this effort is not inconsiderable, but I find it justified in light of the importance of IOCS data in this docket.

OCA/USPS-36 and OCA/USPS-47 also present similar issues. OCA seeks Fiscal Year 1993 information for two Postal Service cost measurement systems: the rural carrier systems (OCA/USPS-36), and TRACS (OCA/USPS-47). OCA contends that if provided this information can be compared with Fiscal Year 1995 data available on the record in this case to evaluate the

² Objection of the United States Postal Service to Office of the Consumer Advocate Interrogatories OCA/USPS-36(a) and (b), 37(a) and (b), 42(f), 43(f), and Partial Objection to OCA/USPS-47, August 26, 1996, at 3.

reliability of these costing systems. The Postal Service explains that it found errors in the FY93 rural carrier system results as originally reported. It objects to developing revised, corrected FY93 rural carrier system information since FY95 is the base year in this case. Similarly, it indicates that information used to develop TRACS results for FY93 is not available in electronic files and would have to be constructed from boxes of hard copy documents currently in storage.

Applying the balancing test described above, I do not find it reasonable to compel responses to these two requests. If the requested information were readily available, it might help OCA to evaluate the reliability of FY95 results. However, neither rural carrier nor transportation costs are central aspects of the Postal Service request in this docket and therefore the benefits this information might produce do not justify the time and expense involved in correcting or creating profiles of past cost measures.

RULING

The Postal Service is directed to respond to OCA/USPS-37; and, to OCA/USPS-25(a) to the limited extent described by this ruling.



H. Edward Quick, Jr.
Presiding Officer