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

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

SPECIAL SERVICES REFORM, 1996

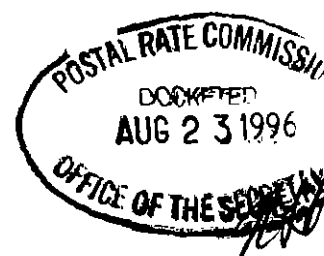
Docket No. MC96-3

MOTION OF THE UNITED STATES POSTAL SERVICE FOR  
RELIEF FROM OBLIGATION TO RESPOND TO INTERROGATORIES FROM  
NASHUA/MYSTIC (NM/USPS-37-65)  
PENDING RESOLUTION OF MOTION FOR RECONSIDERATION  
OF PRC ORDER 1129 AND, IN THE ALTERNATIVE,  
OBJECTIONS TO NASHUA/MYSTIC INTERROGATORIES  
(August 23, 1996)

On August 13, 1996, Nashua Photo and Mystic Color Lab (Nashua/Mystic) filed interrogatories 37-65 directed to the United States Postal Service.

On August 16, 1996, the Postal Service filed a Motion For Reconsideration Of PRC Order No. 1029, which expanded the scope of Docket No. MC96-3 to include consideration of a Business Reply Mail (BRM) classification proposal of interest to Nashua/Mystic. The Postal Service's August 16, 1996, Motion seeks reversal of the Commission's Order or, in the alternative, the Commission's exercise of its authority under 39 U.S.C. § 3623(b) to initiate a separate classification proceeding for the consideration of the Nashua/Mystic proposal. On August 20, 1996, the Commission issued PRC Order No. 1131, requesting further explanation of the grounds for reconsideration. Today, in a separate pleading, the Postal Service has filed its response to that Order.

Pending resolution of its Motion For Reconsideration, the Postal Service also hereby moves that it be relieved of any obligation to respond to Nashua/Mystic interrogatories NM/USPS-37-65.



In all material respects, these interrogatories relate exclusively to Nashua/Mystic's interest in Business Reply Mail and would be affected by the Commission's disposition of the Postal Service's Motion For Reconsideration. In the event that the Postal Service's initial request in its Motion For Reconsideration is granted,<sup>1</sup> it appears prudent to assume that the Postal Service would be relieved of any obligation to respond to these interrogatories. Alternatively, if the Commission should respond to the Motion For Reconsideration by initiating a separate proceeding for consideration of the BRM proposal, the Postal Service should be permitted to respond to these interrogatories on a timetable consistent with the procedural schedule established for such a proceeding.

Accordingly, the Postal Service requests that it be relieved of any current obligation to respond to interrogatories NM/USPS-37-65 in this proceeding.

In any event, the Postal Service finds the aforementioned interrogatories objectionable on the following additional grounds:

NM/USPS-45

This interrogatory requests that the Postal Service indicate the legal authority for its operation of what Nashua/Mystic refer to as the "Prepaid Courtesy Reply Mail experiment." As the question calls for the statement of a legal conclusion, the Postal Service considers that it constitutes impermissible discovery.

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<sup>1</sup> That the Commission reverse its decision to expand the scope of Docket No. MC96-3 to include consideration of Nashua/Mystic's BRM proposal.

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NM/USPS-49(a) and (c)

Part (a) of this interrogatory requests copies of "all charts and exhibits used in . . . [any formal] presentation" to the Board of Governors concerning the "Prepaid Courtesy Reply Mail experiment." The Postal Service objects to the disclosure of any pre-decisional management opinions or recommendations which may be reflected in any such charts and exhibits, but does not object to the disclosure of other factual information in such charts and exhibits.

Part (c) requests "the source of authorization of the Prepaid Courtesy Reply Mail experiment" if it was not approved by a resolution (or any other vote) of the Board of Governors. The Postal Service objects to this interrogatory to the extent that it seeks the statement of a legal conclusion concerning such authorization.

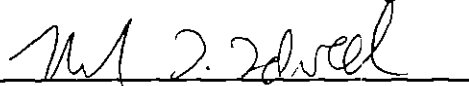
NM/USPS-53

This interrogatory requests a declaration of whether the Postal Service considers "Prepaid Courtesy Reply Mail" to be a special service, (presumably, in contrast to a subclass or rate category of mail). The Postal Service objects to this interrogatory as it calls for the statement of a legal conclusion.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



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August 23, 1996