

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0000

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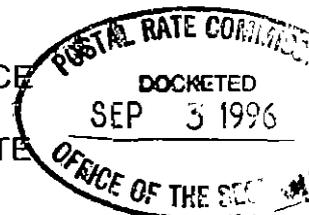
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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

SPECIAL SERVICES REFORM, 1996

Docket No. MC96-3

OBJECTION BY THE UNITED STATES POSTAL SERVICE
TO INTERROGATORY OCA/USPS-T4-47
FILED BY THE OFFICE OF THE CONSUMER ADVOCATE
(September 3, 1996)



The United States Postal Service hereby files its objection to interrogatory OCA/USPS-T4-47 (OCA-47), filed on August 22 by the Office of the Consumer Advocate (OCA), on grounds that the deadline for propounding new interrogatories regarding details of the Postal Service direct case has passed and that OCA-47 is not proper followup. Moreover, the requested information can be obtained by the OCA from materials already filed in support of witness Lion's testimony, which also means that OCA-47 could not appropriately be re-directed to the Postal Service itself.

OCA-47 is styled as a "Follow-Up" interrogatory to OCA/USPS-T4-43 (OCA-43). OCA-43 requested (a) counts of post offices where all boxes of a given size are in use, by box size and delivery group, and (b) counts of post offices identified in (a) that also have space available to expand. As indicated in the response to OCA-43, the former had already provided in Table 6 of USPS-T-4, while the latter was provided in a new table.

While OCA-43 asked for counts of post offices where all boxes of a given size are in use, OCA-47 asks the same question without the limitation "of a given size." Thus, OCA-47 does relate to OCA-43 in the sense that it asks a somewhat different form of the original question, but in no sense does it constitute proper follow-up as that term has been employed by the Commission because there is nothing in the

response to OCA-43 that permits for the first time formulation of OCA-47. OCA-47 could have been filed in a timely fashion regardless of whether OCA-43 was filed, or answered.

“To decide whether interrogatories can reasonably be deemed follow-up, one must look at the original question and answer and then determine whether the new question is a logical next step in consideration of the issue.” Presiding Officer’s Ruling No. R90-1/56 at 2-3 (August 20, 1990). Looking at an interrogatory there at issue, the Presiding Officer examined whether or not the party “could...have asked it before the Postal Service filed an answer to the original interrogatory.” If the party could not reasonable have been expected to have asked the question before the Postal Service responded to the earlier question, it is allowed as follow-up. Conversely, if the question could have been asked during the regular discovery period, it is not proper follow-up, even if it is “related to the previous interrogatories.” *Id.*

This is exactly the same situation presented by OCA-47. While it is substantively related, it could have been asked regardless of whether OCA-43 was asked or answered.

The OCA’s position here is especially untenable since the requested information is available in Library Reference SSR-113 at Item 4. So not only is OCA-47 untimely,

the OCA is not prejudiced by having filed late since it can readily obtain the requested information.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Kenneth N. Hollies

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.



Kenneth N. Hollies

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