

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

SPECIAL SERVICES REFORM, 1996

Docket No. MC96-3

OBJECTION OF THE UNITED STATES POSTAL SERVICE TO OFFICE OF
THE CONSUMER ADVOCATE INTERROGATORIES
OCA/USPS-77(d) and (e), AND 84(d)
(September 30, 1996)

POSTAL RATE COMMISSION
OFFICE OF
DOCKETED
SEP 30 1996

The United States Postal Service hereby objects in full to Office of the Consumer Advocate interrogatories OCA/USPS-77(d) and (e), and 84(d). Some of these interrogatories are objected to on the grounds of relevance and some are also objected to based on the probable burden of answering, if answering is even possible. Each interrogatory and the specific objections thereto are discussed below.

OCA/USPS-77(d) and (e) ask whether the employee sampling rates reflected in the attachment to the response to OCA/USPS-58 are the same for FY 1996 and FY 1997, and if not, to provide a table for each year showing those rates. The information requested is not relevant. The requested employee sampling rates for FY 1996 and FY 1997 are not relevant to those for the Base Year in this docket -- FY 1995. The FY 1995 employee sampling rates are factored into the FY 1995 tallies to establish percentage distributions of FY 1995 mail classes, services, or activities to which FY 1995 CAG costs are then applied. The employee sampling rates are not used to extrapolate to CAG costs which are accrued for a fiscal year. The employee sampling rates for FY 1996 and FY 1997 (and the CAG costs for those years) are not applicable to the FY 1995 data, but to data from their own respective years. Thus,

it is not at all clear how the FY 1996 and FY 1997 employee sampling rates might be relevant to evaluate the reliability of the IOCS for FY 1995.¹

As also argued in other objections, this discovery is not proper under Special Rule 2.E. The OCA most certainly cannot make any showing of how it would use such information to develop any testimony it intends to submit in this case, since its testimony is due today, two days before the responses to the interrogatories would be due, in the absence of any objections.

OCA/USPS-84(d) requests that the Postal Service provide the number of offices by CAG of any offices, apparently for CAG C and lower, “for *any year* prior to FY 1995,” that had no chance of selection to the IOCS sample (emphasis added). The requested information is irrelevant. The Postal Service has stated, as is reflected in the interrogatory, that the FY 1995 IOCS sample for CAG C and lower is a panel of offices “which remains relatively fixed from year to year.” *See USPS LR-SSR-90, at 15.* This has been clear at least since the beginning of this case. The OCA is free to make as much or as little as it wants of this fact, without the Postal Service having to track over time the numerous offices not in the sample for an undefined number of years. The OCA, for some reason, focuses on alleged sampling frame defects in terms of number of offices, while not recognizing that the CAG costs reflect all offices in a CAG.

¹ Changes to a data system can be made for any variety of reasons, including a simple desire to improve the system, or to reflect the changing environment. The fact that an improvement might be made does not automatically equate to an admission of a defect, as the OCA’s interrogatories seem to imply.

Further, it is not clear how far back the Postal Service is expected to go in providing this information. The Postal Service is not even sure it would have a source to go to for this information. Records are only maintained for a certain number of years. It would be impossible to go back and trace every new office that came into being. Moreover, even if it was possible to go back and trace new finance numbers, a new finance number does not necessarily indicate a new office. The "new" office might, in reality, be two previous offices that were consolidated, or an operational part of an office that was split, where the previous offices had a chance of selection for the IOCS sample. Since the Postal Service is unsure how it would even go about responding to this question, it is impossible to estimate the burden associated with responding. Nonetheless, it should be apparent that attempting to reconstruct and count numerous offices by CAG for prior years would be a burdensome undertaking.² Again, it is clear that the OCA does not intend to use this information in its testimony and thus, the discovery request violates Special Rule 2.E.

Special Rule 2.E clearly was intended to allow discovery against the Postal Service to go forward so that other participants might use the information to develop testimony. The OCA cannot be allowed to so blatantly circumvent the intent behind the rule by continuing to request information that it clearly has no intent of using in its testimony due today.

² In fact, the Postal Service is currently investigating how it might comply with Presiding Officer's Ruling Granting in Part OCA Motion to Compel, Presiding Officer's Ruling No. MC96-3/16. Interrogatories OCA/USPS-54(c) and (e) and 56(c) involve similar issues and, particularly with regard to 54(e), may be extremely difficult to answer.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Susan M. Duchek

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.



Susan M. Duchek

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2990; Fax -5402
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