

ORIGINAL

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
DOUGLAS F. CARLSON FOLLOW-UP INTERROGATORY TO
WITNESS LYONS (DFC/USPS-T1-1)
(November 4, 1996)

The United States Postal Service hereby objects to interrogatory DFC/USPS-T1-1 to Postal Service witness Lyons, filed on October 30, 1996 by Douglas F. Carlson. This interrogatory, which presents several hypotheticals concerning the response of non-resident boxholders to post office box fee increases, is not proper follow-up and could have been asked during the normal discovery period on witness Lyons' direct testimony.

The interrogatory purports to follow up on witness Lyons' response to Presiding Officer's Information Request ("POIR") No. 4, question 8. The Special Rule which allows follow-up interrogatories, rule 2.D, provides:

Follow-up interrogatories to clarify or elaborate on the answer to an earlier discovery request may be filed after the initial discovery period ends. They must be served within seven days of receipt of the answer to the previous interrogatory unless extraordinary circumstances are shown.

[Emphasis added.]

First, the rule specifically refers to answers to previous interrogatories, not answers to POIRs. This does not appear to be an accident, given that POIRs and interrogatories serve different purposes. The impetus behind a POIR, as stated by

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the Presiding Officer, is "to assist in developing the record for consideration of [the Postal Service's] request for classification and rate changes." *Presiding Officer's Information Request No. 4, October 2, 1996, at 1.* On the other hand, participants in a case ask interrogatories for the purpose of developing testimony or positions, in support of or in opposition to, the Postal Service's case.

Further, POIRs can be issued at any time, whereas discovery by participants - both intervenors and the Postal Service - must be conducted in accord with established deadlines. If follow-ups to POIRs are allowed, then discovery against the Postal Service and its witnesses will never end. To allow participants to conduct ongoing discovery on the Postal Service and its witnesses, while requiring the Postal Service to abide by established deadlines in its discovery on the testimony of other participants, would negate the principles of fairness which underlie the Postal Service's rights to due process. Thus, DFC/USPS-T1-1 is not authorized under rule 2.D.

Moreover, follow-up interrogatories under rule 2.D are supposed to raise questions that arose directly from the response to a previous interrogatory. Witness Lyons' testimony and workpapers presenting customer response to post office box fee increases accompanied the Postal Service's June 7, 1996 Request in this docket. This interrogatory, therefore, could have been filed during the normal discovery period or asked of witness Lyons on oral cross-examination. Although

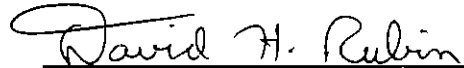
allegedly relating to witness Lyons' response to POIR No. 4, question 8, the issue addressed in this interrogatory has been evident from the day the case was filed.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

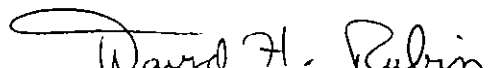
Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



David H. Rubin

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.



David H. Rubin

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