

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

RECEIVED
FEB 4 4 43 PM '00
POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO INTERROGATORY OF THE OFFICE OF THE CONSUMER ADVOCATE
(OCA/USPS-31)
(February 4, 2000)

In accordance with Rule 26 of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby files this notice of its objections to interrogatory OCA/USPS-31, dated January 27, 2000.

The interrogatory is so broad as to include within its scope any records reflecting deliberations among postal managers and legal counsel regarding the prospect of a Courtesy Envelope Mail (CEM) proposal in Docket No. R2000-1 and how the Postal Service might attempt to rebut such a proposal. Accordingly, the Postal Service regards OCA/USPS-31 as an improper attempt to intrude upon the internal deliberative processes of postal management.

Postal management has not conducted an examination of the CEM issue since its disposition by the USPS Governors in Docket No. R97-1, other than to consider the prospect of a revival of the proposal in Docket No. R2000-1. As long as there is any possibility of a CEM proposal in Docket No. R2000-1, postal managers and counsel will continue to deliberate and develop strategies for responding to it.

Subparts (a) and (b) of OCA/USPS-31 request a list and copies of all documents relating to a CEM proposal -- even those documents which are incomplete or in draft

form.¹ The Postal Service should not be obliged to disclose any such documents which reveal how it might elect to respond to a Docket No. R2000-1 CEM proposal, as is requested by subparts (a) and (b) OCA/USPS-31. Nor should the Postal Service be required to respond to the request in subpart (c) for a list of proposals for reports, studies, surveys which might be generated and employed in response to a CEM proposal.² The Postal Service regards this interrogatory as an objectionable effort to obtain access to records of privileged communications between postal management and counsel regarding litigation strategy.

Should it be necessary, any reports, studies or surveys developed by the Postal Service in connection with rebuttal to a CEM proposal are likely to be completed in time for filing in conjunction with or as part of the Postal Service's rebuttal case. The OCA can review such materials then. The Postal Service does not consider itself obliged to provide the OCA with incomplete or draft versions of such documents before that time.

¹ Apparently, to the OCA, it is no longer sufficient that parties are obliged to disclose completed or final versions of documents. The OCA now insists that the Postal Service initiate and update a running list of "CEM rebuttal documents in-progress" through which the OCA can obtain a copies of each successive iteration or draft.

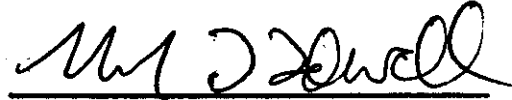
² The Postal Service also should not be burdened with filing a notice with the Commission indicating that the generation of a potential CEM rebuttal report, study, or survey has been proposed or a notice revealing whether there is a change in the pendency of any such proposed report, study, or survey.

-3-

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorney:

A handwritten signature in black ink, appearing to read "Michael T. Tidwell", written over a horizontal line.

Michael T. Tidwell

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2998; Fax -5402
February 4, 2000

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.

A handwritten signature in black ink, appearing to read "Michael T. Tidwell", written over a horizontal line.

Michael T. Tidwell

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2998; Fax -5402
February 4, 2000