

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

PARTIAL OBJECTIONS OF UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OF UNITED PARCEL SERVICE,
UPS/USPS-T5-6(a), -7(b), -9(a), -12 and -16
(February 22, 2000)

The United States Postal Service hereby partially objects to interrogatories UPS/USPS-T5-6(a), -7(b), -9(a), -12 and -16 of United Parcel Service, filed on February 10, 2000, on the grounds of burden, relevance, overbreadth, redundancy and commercial sensitivity. Discussion regarding how to meet United Parcel Service objectives while avoiding or protecting objectionable material nonetheless continues among counsel. As indicated below, substantial progress has already been made.

The entire set of interrogatories focuses on witness Hunter's testimony, USPS-T-5, which addresses the Bulk Revenue, Pieces and Weight (BRPW) system that collects information about mail volume entering the mail processing system through automated offices, and through a panel of non-automated offices. The data are accordingly commercially sensitive because, being based on postage statements they provide facility-specific and customer-specific data. In apparent recognition of this sensitivity, the Commission has never required that this information be provided in its entirety.

Counsel for United Parcel Service informally requested the Job 1, Job 2 and Job 3 files identified on page two of USPS-LR-I-25/R2000-1, expressing an interest in replicating the workings of BRPW.¹ After internal discussion, the Postal Service agreed

^{1/} Interrogatory UPS/USPS-T5-16 formalizes this request.

to provide and United Parcel Service agreed to accept, at least in part, versions of those files that redact some facility-specific information (such as finance numbers) but retain the ability to run the BRPW model that has already been provided on CD-ROM. Thus, the files being prepared will permit a participant executing the appropriate nondisclosure certification to replicate the results reported in witness Hunter's testimony. Protective conditions are nonetheless necessary because the data provided will still permit an observer with knowledge of the mail processing system to deduce the identity of some facilities and mailers. While with perhaps several months of additional effort this capability could also be eliminated by aggregating some of the information, the resultant files would not permit replication of the BRPW results.

Counsel for United Parcel Service and the Postal Service have agreed that a technical conference on RPW will be held, but not until shortly after the redacted Job 1, Job 2 and Job 3 files have been provided and analysts for United Parcel Service have an opportunity to work with them.

In light of these facts, and the fact that the Rules of Practice provide that a motion to compel an interrogatory response must be filed within ten days of an objection, the undersigned counsel does not intend to assert that United Parcel Service may have waived any opportunity to seek compelled responses to the interrogatories hereby objected to (or previously objected to) before ten days have passed after the technical conference.

UPS/USPS-T5-6(a): This interrogatory points to language in witness Hunter's testimony that gives a general description of the BRPW system as combining postage statement data and revenue account information and states, "Provide all supporting documents and records used in the process[.]" This request is extremely overbroad and ignores the entirety of USPS-T-5 and all of its supporting materials. Indeed, it appears the author would have had a difficult time coming up with a broader request.

Because the BRPW system is extremely complicated, originating from at least tens of millions of mailings, the Postal Service goes to great lengths to reduce its testimony to manageable, book-size. Thus, this interrogatory would require the burdensome production of redundant, irrelevant and commercially sensitive information. The Postal Service accordingly objects to this interrogatory, while also acknowledging that the material it proposes to make available under protective conditions pursuant to interrogatory UPS/USPS-T5-16 is also partially responsive.

UPS/USPS-T5-7(b): This interrogatory requests the identification of "all source information" for one step in BRPW results. As such it is overbroad and requests commercially sensitive information. However, material responsive to the thrust of this interrogatory is also being made available through the response to interrogatory UPS/USPS-T5-16.

UPS/USPS-T5-9(a): This interrogatory asks for the raw data in hard and soft copy of the Job 2 verification checks. Since the size of the files involved is so large, the Postal Service objects on the grounds of burden and environmental insensitivity to providing the material in hard copy form. Moreover, the soft copy responsive to this request is part of what the Postal Service has already agreed to provide, as discussed above; so this part is also redundant. Finally, the information is commercially sensitive, but can be provided under the same protective conditions that the Commission ultimately ordains for witness Yezer's material.²

² The Postal Service filed a motion for protective conditions (virtually identical with those employed in Docket No. R97-1) and waiver for much of witness Yezer's (USPS-T-31) supporting materials together with the case-in-chief on January 12, 2000. United Parcel Service filed a response on February 14, 2000 claiming that the protective conditions failed to reflect Commission precedent established in Order No. 1283 on January 28, 2000. The February 14 response is, however, flatly inconsistent with the February 10 United Parcel Service motion for clarification of Order No. 1283 in Docket No. C99-1. Indeed, the February 14 response seems to assume the success of the

(continued...)

UPS/USPS-T5-12: This interrogatory focuses upon a interim step (EFLAGS) in the BRPW model, and requests the output report in electronic and hard copy forms showing the EFLAG variable and number assigned to *each record in jobs containing Parcel Post for BY 98*. This request accordingly seeks the production of commercially sensitive information. With the materials being made available in response to UPS/USPS-T5-16, the model can be run and the report replicated -- and printed if that is really wanted. As such this interrogatory is also redundant.

UPS/USPS-T5-16: This interrogatory lies at the heart of this objection, and is discussed in the general discussion above. Since even after redaction the information to be produced is commercially sensitive, it can only be made available under protective conditions. Moreover, counsel for United Parcel Service has indicated to the undersigned counsel that hard copy production of the tens of millions of records is not necessary.

^{2/} (...continued)

February 10 motion, notwithstanding clear Commission language indicating its impropriety. See, e.g. United States Postal Service Answer in Opposition to United Parcel Service Motion for Further Clarification and Motion of United States Postal Service for Further Amendment to Protective Conditions filed February 17, 2000 in Docket No. C99-1. However, since the February 16, 2000 Presiding Officer's Ruling No. 3 (POR-3) in Docket No. R2000-1 directs the Postal Service to provide additional information regarding its motion for waiver and protective conditions, the Postal Service will address the appropriate conditions in its response to POR-3 rather than here. The Postal Service is prepared to concede that the protective conditions which ultimately apply to witness Yezer's material should also be applied to the redacted Job 1, Job 2 and Job 3 files discussed in the body of this motion.

WHEREFORE, the United States Postal Service objects partially to interrogatories UPS/USPS-T5-6(a), -7(b), -9(a), -12 and -16 of United Parcel Service, filed on February 10, 2000.

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

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-3083 Fax -5402
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