

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

**UNITED STATES POSTAL SERVICE OBJECTION  
TO INTERROGATORIES DFC/USPS-18, 19(C), AND 20(B-E)**

The Postal Service hereby objects to interrogatories DFC/USPS-18, 19(c), and 20(b-e), filed on February 15, 2000. Interrogatories 18(a-s) and 19(c) request information about retail operations in connection with the Breast Cancer Research Stamp, and about customer behavior related to that program. Interrogatory 18(t) requests documents and analyses related to a decision not to include a numerical denomination on the Breast Cancer Research Stamp. Interrogatory 20(b) requests that the Postal Service provide studies conducted on the extent of customer confusion about the Breast Cancer Research Stamp. Interrogatory 20(c-e) asks for postal management's opinions about national policies concerning semipostal stamps. The Postal Service objects on grounds of relevance, commercial sensitivity (in part), and privilege (in part).

Discovery related to the Breast Cancer Research stamp is well beyond the scope of this proceeding. The Breast Cancer Research Stamp is the result of the Stamp Out Breast Cancer Act, Pub. L. No. 105-41, 111 Stat. 1119 (1997) ("Act"). The Act directs the Postal Service to make available a special postage stamp at a special price to enable the public to make contributions to fund breast cancer research. The Act empowers the Governors of the Postal Service to set the price

of the Breast Cancer Research Stamp within a range prescribed by statute.

There is no relationship between the Act and the proposals at issue here.

Moreover, this forum should not be converted into one where participants are permitted to question postal management about sensitive issues of national policy regarding semipostal stamps. Policies related to semipostal stamps have been established by Congress, and debates and opinions concerning such matters should be reserved for the legislative arena. Thus, subparts (c-e) of interrogatory 20, which ask for postal management's opinions about semipostal stamps, delve into matters reserved exclusively for postal management and are clearly beyond the scope of permissible discovery. Cf. PRC Order No. 1254 (holding that complaint on alteration of ZIP Code boundaries is "clearly an operational matter within the exclusive jurisdiction of Postal Service management, in compliance with the policies set forth in Title 39."). Subpart (t) of interrogatory 18, which requests copies of documents and analyses as to why the Postal Service did not issue a Breast Cancer Research Stamp with a numerical denomination, is objectionable on the same grounds. In addition, subpart (t) is objectionable on grounds of deliberative process privilege, as it delves into predecisional matters that were never implemented.

With respect to interrogatory 20(b), although the Postal Service has identified no information responsive to this subpart, but in order to preserve its rights with respect to follow-up or related discovery, the Postal Service objects to providing market research on customer confusion in connection with the Breast Cancer Research Stamp on grounds of commercial sensitivity.

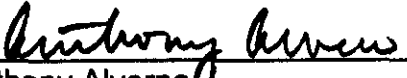
Finally, the Postal Service submits that a subset of the questions posed in interrogatory 18 border on abuse of process. A number of the questions ask for information that can be independently established by reference to standards and notices published in the *Federal Register*, the *POSTAL BULLETIN*, and the *DOMESTIC MAIL MANUAL*. The Postal Service has no doubt that Mr. Carlson is aware of, and has access to, these documents, and there is no justification to permit Mr. Carlson to consume the Postal Service's precious resources to confirm these facts through rate case discovery. Further, a number of questions posed in interrogatory 20 amount to nothing more than trivial questions about customer behavior, practices, and attitudes<sup>1</sup> about which the Postal Service has no information and to which the Postal Service should not be forced to respond.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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Attorney


February 25, 2000

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<sup>1</sup> As an example, subpart (g) of interrogatory 18 requests that the Postal Service "confirm that a customer who purchased Breast Cancer Research stamps before January 10, 1999, may still have some of these stamps in his possession." If there was ever a need to establish record evidence to this effect, perhaps Mr. Carlson could endeavor to find the answer by surveying his friends about the contents of the stamp stock they have on hand.

**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.

  
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