

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

OBJECTION OF THE UNITED STATES POSTAL SERVICE  
TO KEYSpan ENERGY INTERROGATORY KE/USPS-T29-23(j)  
(March 6, 2000)

The United States Postal Service hereby objects to the following interrogatory of KeySpan Energy to witness Campbell: KE/USPS-T29-23(j), filed February 25, 2000.

The interrogatory requests that witness Campbell:

arrange for counsel for the Postal Service to confer with counsel for KeySpan Energy to arrange mutually convenient times and procedures for the inspection and videotaping of QBRM mail processing methods at the post office facilities identified in response to parts (h) and (i) of this interrogatory and videotaping of interviews with, or depositions of, the field and management personnel responsible for processing QBRM at such facilities.

The Postal Service objects to the interrogatory, on the basis of its form as well as its content. In the clearest possible terms, the Postal Service wishes to discourage the practice of using interrogatories for purposes other than obtaining information or records. If parties wishes to confer with postal counsel on some matter relevant to issues in this proceeding, those parties should contact postal counsel directly, instead of directing interrogatories which request witnesses to serve as messengers.<sup>1</sup> Alternatively, parties can file institutional inquiries in the form of interrogatories or document production requests directed to the Postal Service.

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<sup>1</sup> Otherwise, what would be witness Campbell's obligation in response to the interrogatory? Is his obligation fulfilled by a response indicating his intention (or refusal) to initiate discussions with undersigned counsel concerning facility tours? Would a satisfactory response be one which suggested that KeySpan counsel contact postal counsel directly? Since, in fact, witness Campbell will not be responding, will there be motion practice seeking to compel him to do so?

The Postal Service objects to granting any intervenor in this proceeding permission to enter postal property for the purpose of photographing or otherwise recording audio or video images of mail processing activity. The Postal Service considers such a request to be unduly burdensome, in view of readily available alternative methods of obtaining information about mail processing. The Postal Service also objects to the recording of visual images of "live" mail by parties "fishing" for information, as such activity could risk an invasion of the privacy of persons whose names and addresses appear on mail pieces which were recorded on videotape. The Postal Service also objects to this request, because videotaping by nonpostal entities on the workroom floor could create local labor-management issues which the Postal Service would prefer to avoid.

Second, the Postal Service objects to the request for interviews and depositions of field personnel. The Postal Service considers it unreasonable that, in lieu of diligently directing timely interrogatories and document production requests to designated postal witnesses, any intervenor can seek to evade the impending March 23, 2000, discovery deadline by claiming a need to compel depositions of unspecified "others" among the 800,000 or so postal employees who have not been designated by the Postal Service to serve as witnesses in this proceeding. KeySpan has no basis for asserting that the only method -- or that the only reasonable method or that the least burdensome method -- of obtaining relevant information about QBRM processing from the Postal Service is to have the Postal Service round up field managers and personnel from at least 10 mail processing facilities for interviews and depositions.<sup>2</sup>

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<sup>2</sup> Even if the Postal Service did not object to KeySpan's request that it round up untold numbers of employees for interviews and depositions, the Postal Service still would object to the use of videotape recording devices as an unnecessarily intrusive element of such an undertaking.

Take a close look at KE/USPS-T29-23(j). QBRM is processed on more than one tour at many postal facilities. There are several layers of management “responsible for” QBRM processing at many facilities. Assuming, for sake of this objection, only four mail processing managers “responsible for” QBRM processing at each site, the Postal Service is being asked to prepare at least 40 additional management employees for testimony in this proceeding. But the request is not limited to field managers; it includes all field personnel “responsible for” processing QBRM. The number of field personnel “responsible for” processing QBRM at any given facility could number in the scores, if not the hundreds. Multiply that by at least 10 facilities, as requested by KeySpan, and . . . well, . . . one gets the picture. Such a request is patently outrageous, even if it were limited to only one facility.

In addition, responding to KeySpan's request for at least 10 tours, plus countless interviews and depositions would require untold days away from the office for postal costing witnesses whose testimony is relevant to the issues KeySpan apparently seeks to explore – Campbell (USPS-T-29) and Miller (USPS-T-24).<sup>3</sup> Not only would these witnesses need to examine operations and confer with field personnel at each of at least 10 sites, it may be necessary for them to either observe, participate in, or help organize each of the requested facility tours. The same would be true of postal counsel assigned to these witnesses. Each of these persons presently faces the considerable responsibilities associated with responding to discovery and preparation for hearings in this proceeding.<sup>4</sup> Responding to KeySpan's request would be extremely disruptive and

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<sup>3</sup> Not to mention QBRM rate and fee design witnesses Fronk (USPS-T-33) and Mayo (USPS-T-39), respectively.

<sup>4</sup> It is impossible to estimate, with any degree of precision, the amount of time necessary to prepare numerous witnesses for interviews or depositions at each of at least 10 sites.

unreasonable, especially given the absence of any showing that more traditional, less burdensome methods of obtaining information have proven unavailing.

The Postal Service encourages KeySpan to exercise due diligence and direct interrogatories and document requests to its Docket No. R2000-1 witnesses. The Postal Service will endeavor to fulfill its responsibilities in the production of responses. Public identification of the sites requested in KE/USPS-T29-23(h) and (i) is not necessary for the generation of generic questions about QBRM processing operations. Designated postal witnesses can consult with any managers or employees at facilities which may be identified in response to KE/USPS-T29-23(h) and (i), should a need arise.

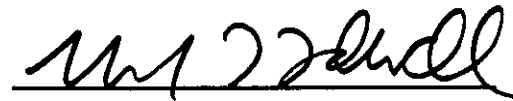
Assuming interrogatory KE/USPS-T29-23(j) to be part of a ploy designed to make some subsequent, less outrageous request appear "reasonable" by comparison, the Postal Service awaits revelation of the second part of the gambit.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

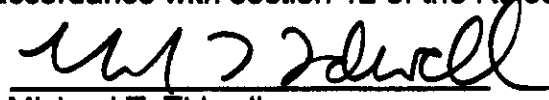
Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking



Michael T. Tidwell

**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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