

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

RESPONSE AND OPPOSITION OF UNITED STATES POSTAL SERVICE TO
UNITED PARCEL SERVICE MOTION TO COMPEL RESPONSES TO
INTERROGATORIES DIRECTED TO WITNESS XIE
(March 29, 2000)

United Parcel Service (UPS) docketed on March 22, 2000 a pleading styled as a motion to compel responses to various interrogatories posed to witness Xie.¹ Since witness Xie affirmatively responded to those interrogatories and no objection was filed, UPS' motion to compel is improper and procedurally inappropriate.

The subject interrogatories were specifically directed to witness Xie and identified general sources of information referenced in her documentation. The interrogatories then ask for information she specifically did not rely upon for her testimony. While it was quite plausible that she could have reviewed those sources and picked specific variables for use, such was not the case; this is what her answers indicated. Indeed, she relied upon data and procedures that have long been applied in ratemaking proceedings, which her answers also indicated.

With one exception, the instant motion to compel now seeks to direct that witness Xie provide the information which she previously explained had not been

^{1/} Motion of United Parcel Service to Compel Production of Information Requested in Interrogatories UPS/USPS-T1-18, 22, 25, 26, and 27 to Witness Xie (hereinafter, "Motion").

reviewed by her and was not pertinent to preparation and development of her testimony.²

A Presiding Officer's ruling requiring witness Xie to provide the requested information and thereby stand cross-examination on it would be improper since it is beyond the scope of her testimony. UPS can fairly inquire as to why witness Xie believes the information she used was appropriately relied upon by an expert of her qualifications, but the specific relief sought by UPS would be inappropriate.

The Motion makes a number of unwarranted assumptions about how witness Xie's responses must be interpreted. It asserts, for example:

The Postal Service cannot unilaterally decide whether certain information it has collected as part of the data files it uses in its transportation system is or is not useful in assessing the accuracy of the Postal Service's transportation cost estimates.

Motion at 2. This assertion starts from misstatements of fact to reach an incorrect conclusion regarding the Postal Service's position. The statement incorrectly equates witness Xie's response with a Postal Service decision, and bootstraps the possible definition of a data element into the collection and availability of information. More critically, the Postal Service has made no "unilateral" determination regarding relevance nor that information cannot be made available.

The Motion moves on to argue that the requested information is not and "cannot possibly" be commercially sensitive. Motion at 3-4. Since the Postal Service itself has not reviewed the requested sources of information sufficiently to make its own determination on that question, the UPS position is presumptuously premature.

Notwithstanding, the Postal Service has concluded that the best response to the Motion is to treat it as propounding institutional interrogatories. Coordinating with the

^{2/} The one exception is information sought in UPS/USPS-T1-19 regarding the Official Airline Guide.


diverse sources of information requested will necessarily take some time, but there is some chance that responses to the imputed interrogatories can be made available within the fourteen days specified in this case for response. If the Postal Service finds that it must interject an objection, whether on the grounds of commercial sensitivity or otherwise, it will do so.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

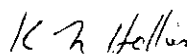
Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



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

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