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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/25

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER'S RULING
GRANTING MOTION BY
MAGAZINE PUBLISHERS OF AMERICA, INC.
TO ACCELERATE RESPONSE

(Issued March 30, 2000)

On March 30, 2000, the Commission received the Motion of Magazine Publishers of America, Inc. to Compel Answers to Interrogatories MPA/USPS-T13-83, 85, 86, 87, 88, 89, 90, 93, 94, 96, 97, 99, 100, 101, 106 and 108 to Witness Raymond. MPA argues that these interrogatories address the core issue of whether witness Raymond has properly translated the data collected by the Engineered Standards project into the Street Time Survey (STS) categories. It further argues that witness Raymond's answers to these interrogatories are non-responsive.

Witness Raymond answered many of these interrogatories with the following identical response

I cannot respond without references to the specific records in question, including CY code, route ID, date, etc. See Appendix A to USPS-LR-1-163 for relevant data fields.

MPA contends that its interrogatories asked witness Raymond to explain what decision rules he applied to various categories of observations of carrier street activity that were described in these interrogatories. It argues that witness Raymond applied computerized decision rules to make the allocations to STS categories. It persuasively argues that witness Raymond should therefore have made a good faith attempt to explain how his decision rules applied to categories of observations, rather than to individual operations. MPA maintains that these answers are deliberately non-responsive, and that they risk prejudicial delay in receiving explanations that are essential to an evaluation of the validity of witness Raymond's STS allocations.

MPA's arguments appear to be well-founded. The Postal Service is directed to provide either a response to MPA's motion by Monday, April 3, 2000, or to provide supplemental responses to these interrogatories along the lines suggested by MPA by April 6, 2000.

RULING

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Edward J. Gleiman
Presiding Officer