

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 OBJECTION OF UNITED STATES POSTAL SERVICE TO
UNITED PARCEL SERVICE INTERROGATORY UPS/USPS-T5-33
(March 31, 2000)**

The United States Postal Service hereby objects partially to interrogatory UPS/USPS-T5-33 (UPS-33), filed on March 21, 2000, on the grounds of burden, relevance, vagueness, overbreadth, redundancy, and impossibility.

The interrogatory states:

UPS/USPS-T5-33. Refer to your response to interrogatory NNA/USPS-T5-14(b)-(c).

(a) Provide the number of instances during the period from FY1995 through FY1999 that a mailer lost entry privileges as a result of noncompliance with PERMIT entry requirements.

(b) Provide the number of instances during the period from FY1995 through FY1999 that the Postal Service instituted civil proceedings, whether administrative or in the courts, against mailers as a result of noncompliance with PERMIT entry requirements. Do not include any instances already included in the response to paragraph (a), above.

(c) Provide the number of instances during the period from FY1995 through FY1999 that the Postal Service has sought criminal penalties against a mailer for failure to comply with PERMIT entry requirements.

Interrogatory NNA/USPS-T5-14(b-c) (NNA-14) inquired, in the context of additional entry offices for Periodicals, whether mailings could avoid proper entry in the PERMIT System; since all mailings at a PERMIT System office are entered in the PERMIT System, the response indicated more broadly how the systemic, economic and legal checks and balances assure the proper entry of mail.

UPS-33 evidently makes the leap of faith from that answer to a conclusion that the PERMIT System is the enforcement tool for proper entry of mail. Such is not the case. The PERMIT system is administered by the Postal Service to meet its own information requirements; it builds on postage statement data, which itself can be modified at the time of mail entry and verification, and before such information is entered in the PERMIT System. Since mailers are not responsible for proper entry of PERMIT System data, neither may they lose mailing privileges or face other types of enforcement actions because of PERMIT System data. Thus, the literally correct response to each part of UPS-33 is "zero"; these responses witness Hunter can and will provide.

To the extent UPS nonetheless intends to ask details about enforcement activities, the Postal Service objects for the reasons stated in the opening paragraph, above. Mailing permits, which are issued to bulk mailers locally, can also be revoked locally. No system collects this information on a national basis. Moreover, since cancellation of a permit for misuse is appealable, records regarding all revocations would require a sweep of all entry points as well as locations that handle appeals. See, e.g., Domestic Mail Manual § P040.1.8. UPS' confusion between the PERMIT System, and permit entry requirements does not make UPS-33 relevant, nor does it alleviate in any way the burden in collecting information responsive to this vague interrogatory.

Parts (b) and (c) of UPS-33 ask for counts of instances wherein the Postal Service has initiated administrative, civil and criminal enforcement proceedings for violation of the supposed PERMIT System entry requirements. Again the literal answer is "zero", but if the question were instead posed in terms of "bulk mail permit requirements", responsive information would be irrelevant to issues in a rate proceeding and quite burdensome to collect. To the extent the Inspection Service or Office of the Inspector General have collected the information, it would already be identified in

USPS-LR-I-181, so in this sense UPS-33 is cumulative and redundant. Moreover, false claims act and criminal proceedings are initiated by the Department of Justice, not the Postal Service, meaning that arguably responsive information would not even be under the control of the Postal Service. However, no central database keeps this information, so collection of it would require a burdensome polling of many different locations in the country.

WHEREFORE, the United States Postal Service objects partially to UPS/USPS-T5-33. Literally correct responses will nonetheless be provided.

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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