

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

RECEIVED
APR 3 4 43 PM '00
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 CRPA INTERROGATORY T32-8
(April 3, 2000)

The United States Postal Service hereby files this objection to the following interrogatory directed by Coalition of Religious Press Associations to witness Mayes: CRPA/USPS-T32-8, filed on March 23, 2000.

The interrogatory asks witness Mayes to disclose copies of all documents exchanged between the Postal Service and any other party since January 1, 1999, regarding "legislative amendments to the RFRA." Alternatively, the interrogatory requests a list of the names and affiliations of all persons "who have conversed and/or met with USPS headquarters personnel since January, 1999, particularly in government affairs, pricing and marketing divisions, about this particular proposed amendment to RFRA."

The Postal Service interprets the interrogatory as pertaining to RFRA reform referenced by witness Mayes at USPS-T-32, pages 12-13. The Postal Service (and, undoubtedly, CRPA and others) have been in communication with Congressional Representatives and staff members, to express their views concerning the need for such legislation and what its content should be.¹

The only issues concerning RFRA reform which are material to the Postal Service's Docket No. R2000-1 request are (1) the Postal Service's view of what such

¹ And with a National Postal Forum having just concluded, it can be presumed that the Postal Service has exchanged ideas with interested members of the mailing community about such legislation.

reform should accomplish for purposes of Docket No. R2000-1 and (2) the actual legislative language that is formally introduced by a member of Congress for the purpose of accomplishing such RFRA reform. The first of these is known; it is reflected in the testimony of witness Mayes. The second of these cannot be known until such time as a member of Congress either (a) publicly discloses draft legislation that he or she plans to sponsor or (b) formally introduces a bill for consideration of RFRA reform.

The nonprofit mailing community's diverse interests may well mean that different members of that community have different views concerning the content of the legislation that Congress should pass. It apparently also means that some of them want to be privy to others' communications with the Postal Service and Congressional representatives concerning RFRA reform. Nevertheless, the Postal Service considers it inappropriate for parties to use the discovery process in Commission proceedings for the purpose of pursuing their legislative interests and concerns. Accordingly, the Postal Service objects to CRPA/USPS-T32-8.

It is immaterial to the issues in Docket No. R2000-1 what may have been said or what may yet be said among representatives from the Postal Service, the various nonprofit mailers, and the Congress concerning legislation the Postal Service anticipates will be introduced and enacted. The Postal Service also considers such communications privileged. Public disclosure of all communications among the aforementioned parties pertaining to draft legislation would "chill" such communications and only hinder the routine, candid exchanges which occur during the delicate process of legislative drafting. The opportunity for all parties interested in RFRA reform to express and exchange views is anticipated to continue as part of the normal legislative process. It is not uncommon for that process to include an opportunity for the formal, public presentation and exchange of the views of all interested parties. However, Docket No. R2000-1 is not a forum for that exchange.

The Postal Service objects to the second part of the interrogatory as well. It, too, is not calculated to lead to the production of admissible evidence. A list of names of persons who have contacted the Postal Service regarding RFRA reform could not possibly be relevant to or improve the Commission's understanding of any issue in this proceeding. Moreover, it would be unduly burdensome for the Postal Service to interview employees in Government Relations and Marketing (which includes Pricing) and to require a search of their files for the purpose of compiling a list of the names and affiliations of any persons to whom any of them have spoken in the last 15 months concerning RFRA reform.


As with disclosure of the views of various parties concerning possible RFRA reform legislative language, disclosure of the names and affiliations of interested parties would add nothing of substance that would be relevant to the issues in this proceeding. CRPA is free to pursue its legislative agenda. It should not, however, be permitted to use the postal ratemaking discovery process for those purposes.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

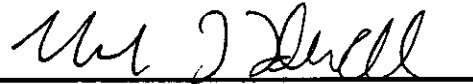
A handwritten signature in black ink, appearing to read "Michael T. Tidwell", written over a horizontal line.

Michael T. Tidwell

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2998 Fax -5402
April 3, 2000

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.

A handwritten signature in cursive script, appearing to read "Michael T. Tidwell", is written over a horizontal line.

Michael T. Tidwell

April 3, 2000