

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 INTERROGATORIES OF DAVID B. POPKIN  
(DPB/USPS-108, 109, 112(A-I), 125(B), 129, 130,  
131(A), 132(A), 133(A), AND 134(A))  
(April 3, 2000)

The Postal Service hereby objects to interrogatories DBP/USPS-108, 109, 112(a-i), 125(b), 129, 130, 131(a), 132(a), 133(a), and 134(a), filed by Mr. Popkin on March 23, 2000, and directed to the Postal Service.

Interrogatory DBP/USPS-108 asks for copies of any audits conducted in the past 5 years by the Inspection Service concerning the extent to which the Postal Service collection from street letter boxes meets the requirements of the Postal Operations Manual and/or Headquarters directives. The Postal Service objects to this interrogatory on grounds of relevance, burden, overbreadth, commercial sensitivity, and privilege. These requests are far too broad. Much of the auditing by the Inspection Service involves operations at particular facilities, and other issues not related to issues affecting the rate case. Many hundreds of audits have been conducted by the Inspection Service in the last 5 years, and these are identified only generally in an index. The burden involved in identifying which audits relate to the topic identified by Mr. Popkin, and then collecting, sorting, and copying responsive documents, would be enormous and involve perhaps 20 to 40 hours. The documents, moreover, would not shed light on the issues at stake in this proceeding. In addition, many of the documents

cannot be publicly disclosed because they contain proprietary and commercially sensitive information. Finally, the documents could contain attorney-client, attorney work product, predecisional, and law enforcement-related communications that are subject to any one of a number of privileges, including the attorney client, deliberative process, attorney work product, and law enforcement privileges.

The Postal Service notes, moreover, that it has already provided the semiannual reports of the Inspector General in USPS LR-I-181 in response to interrogatory OCA/USPS-7, as supplemented in response to interrogatory DFC/USPS-25. These reports provide an index of audits by both the Inspector General and the Inspection Service, and should provide ample information about the audit activities of the Inspection Service for purposes of this proceeding.

Interrogatory DBP/USPS-109 asks the Postal Service to confirm that since the Commission rejected "the proposal" in Docket No. MC96-3, the weight to be given to witness Landwehr's related testimony is "zero." The Postal Service objects because the questions requires a legal conclusion, and apparently asks for the Postal Service to evaluate the weight the Commission would give to particular testimony.

Interrogatory DBP/USPS-112(a-i) follows up on witness Kaneer's response to interrogatory DBP/USPS-7, which provided an explanation of how the cost per square feet was calculated in late 1998 when determining that Englewood Cliffs, NJ, 07632 qualified to move up one fee group because of its relatively high cost and utilization of boxes. The Postal Service objects to providing more details of this calculation on the basis of relevance and burden, and because the question strays beyond the scope of this proceeding. In this proceeding, the Postal Service is basing its proposed

reclassification of post office box facilities on witness Yezer's analysis of rental values, which in turn is based on a wide variety of factors. See USPS-T-31. The Postal Service thus has moved beyond reclassifying boxes bases simply on cost per square feet based on lease information. Questions on the details on such cost per square feet calculation therefore are not relevant to evaluating the Postal Service's post office box proposal in this proceeding. The burden of responding to Mr. Popkin's questions therefore is not justified.

Interrogatory DBP/USPS-125(b) requests a copy of USPS-LR-I-168, which provides witness Mayo's pricing spreadsheets. The Postal Service objects on the basis of burden. These spreadsheets should be available to Mr. Popkin on the Commission's website. Moreover, the Commission recently considered when the Postal Service should be required to provide copies of library references directly to intervenors. The resulting rule required copies to be provided only when special requests are made by the participant that filed an interrogatory or inquiry that generated a response in the form of a library reference. "Others seeking service of the material contained in a library reference shall file a detailed motion setting forth the reasons why service is necessary or appropriate." 39 C.F.R. § 3001.31(b)(2)(ix).

Interrogatory DBP/USPS-129 follows up to the Postal Service's response to interrogatory DBP/USPS-3, in which the Postal Service described in detail its operational plans for taggants on certified mail forms. The Postal Service also provided similar information in response to interrogatory DFC/USPS-T10-8. The Postal Service objects to follow-up asking for yet more operational details, on the basis of relevance and burden.

Interrogatory DBP/USPS-130 asks for one Inspector General report and 4 Inspection Service reports, apparently because "[f]ormal discovery [in a rate case] is easier and quicker" than making a FOIA request.<sup>1/</sup> The Postal Service objects on the basis of relevance, burden, and commercial sensitivity. Obtaining these reports, and reviewing them for commercial sensitivity or other privilege, might take 20 to 30 hours. At least three of these reports are limited to local operations, so their relevance to this rate case appears especially dubious. Moreover, Mr. Popkin has the alternative of a FOIA request to seek these reports.

Interrogatory DBP/USPS-131 through 134, part (a), ask the Postal Service to verify that a letter attached to each interrogatory "was prepared and sent to me by an employee of the United States Postal Service." The Postal Service objects on the basis of burden, and because Mr. Popkin has not provided sworn testimony giving a basis to conclude that the letters were provided by Postal Service employees. The Postal Service also states its intent to oppose entry of these letters into the record of this

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<sup>1/</sup> Mr. Popkin recently informed Postal Service FOIA counsel that if the Postal Service rejected his FOIA request, he would simply ask for the material during a Commission proceeding.

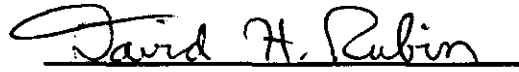
proceeding, unless a foundation for their entry is established through testimony by Mr. Popkin.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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**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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