

- (3) whose data are used after the fact by a witness to allocate the tally data collected, even though he was informed of appropriate costing definitions only after the data were collected for other purposes, and
- (4) who refuses to provide any information about how he made these allocations or the decision rules or criteria he used in making these judgmental assignments.

Knowing far more than intervenors, Postal Service counsel hides behind assertions concerning "the deficiencies in the question" and an erroneous statement that it would take hours to use the Excel program to answer each interrogatory. Opposition at 5. That statement is in fact doubly erroneous: (1) as discussed below, the interrogatories did not request performance of the data analysis described by the Postal Service, and no amount of such analysis could add up to responsive answers; and (2) MPA already has the ability to perform the programming procedure described, and it takes our consultant only five minutes to do it.

The Postal Service, relying only on counsel's testimonial statements, provides some explanation that should have been provided by the witness in his responses to the interrogatories, if the Postal Service is correct in suggesting that the real problem was with the questions. The fact is that MPA's questions were straightforward and based on a frequency distribution of tally data already developed by MPA. MPA's questions specifically refer to "tally types" represented in Raymond's data collection based on MPA's own frequency distribution. The questions seek to discover the principles of classification or allocation used by witness Raymond to assign tallies to STS codes. Only Raymond can say what, if any, rules or guidelines he actually used in making decisions about how to classify tallies.

A careful reading of the Postal Service Opposition makes clear that it does not want to answer the questions or even engage the point of the questions. For example, the Postal Service asks itself whether the hypothetical answer it gave in response to one of MPA's non-hypothetical questions is responsive to the question, but draws the wrong conclusion:

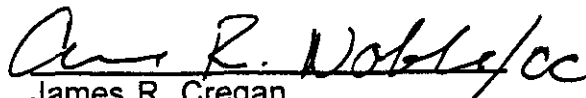
At this point, one may ask why it is necessary to go through the exercise of identifying specific tallies in order to provide a response. The answer is that the few parameters provided by MPA in its questions are insufficient to definitively determine appropriate STS categories.

Opposition at 6.

Yet the witness's own testimony states that he made his STS assignments based only on six parameters: location, personal, delivery type, delivery status, activities, and activity detail. See USPS-T-13 at 14, lines 13-15, and USPS-LR-I-281. This statement fails to acknowledge that the witness either cannot say why he put this tally in the particular STS category without also knowing x, y, and z, or does not want to. Of course, the Postal Service refused to answer MPA's questions based on a precisely posed hypothetical set of facts.

The Postal Service Opposition's declared intention to file additional materials, i.e., the frequency distribution, is unresponsive and inadequate. As stated earlier, we had already developed a frequency distribution. We have reviewed the distribution filed by the Postal Service and it provides us with no information about how or why witness Raymond did what he did or the purported decision rules or criteria underlying his judgments. Therefore, MPA's motion to compel is not mooted by the further materials referenced in the Postal Service Opposition or by the Postal Service's explanations of why it answered as it did. Responsive answers have not been provided or promised. MPA therefore respectfully reaffirms its motion to compel the Postal Service to provide such answers.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document on all participants of record in this proceeding in accordance with the Commission's Rules of Practice.

A handwritten signature in black ink that reads "Anne R. Noble/cc". The signature is written in a cursive style and is positioned above a horizontal line.

Anne R. Noble

Washington, D.C.
April 7, 2000