

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

RECEIVED

APR 24 4 35 PM '00

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO KEYSpan MOTION TO COMPEL
(April 24, 2000)

In accordance with Rule 26 of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby files this response to the April 18, 2000, Motion of KeySpan Energy claiming that numerous interrogatory responses of witness Campbell (USPS-T-39) are "non-responsive."

On pages 1 through 5, the KeySpan Motion specifically addresses nine interrogatory responses, complaining that one has not been provided¹ and that eight others are non-responsive. On page 5, the motion claims that "similar problems arise with respect to witness Campbell's responses" to 12 other listed interrogatories. The motion concludes by promising that "KeySpan counsel will contact counsel for the Postal Service in order to resolve some or all of these problems informally before the date for filing an answer to this motion to compel." KeySpan Motion at page 5.

Witness Campbell and undersigned counsel have reviewed the listed interrogatories and the responses filed. The Postal Service responds to the particulars of the motion as best it can.

¹ The answer to KE/USPS-T29-9(h) was filed on April 20th, the day before the motion to compel. The Postal Service addressed the issue of the tardiness of this response in its April 20th motion for late acceptance. The answer having been filed the day before the motion, the Postal Service considers the motion to be moot, insofar as it relates to this absence of an answer to this question.

KE/USPS-T29-27(d) and (e)

The Postal Service strongly disagrees with the assertion that witness Campbell has been non-responsive to these questions. However, witness Campbell has determined that, without changing the substance of his original responses, the inclusion of several specific terms or references (presumed to have been obvious) might eliminate any basis for KeySpan claiming to not be able to comprehend the answers. Accordingly, revised responses to subparts (d) and (e) have been filed today. If these responses do not help, witness Campbell will do what he can during cross-examination to advance KeySpan's understanding.

KE/USPS-T29-29(b)

At page 3 of its Motion, KeySpan complains that the answer, which provides an estimate of the average daily volume for all QBRM accounts is non-responsive because the question "clearly asked for the average volume per account transaction for QBRM recipients who received 'high' volumes." With all due respect, T29-29(b) did not ask the question the KeySpan Motion claims it asked. Nowhere in T29-29(b) is there a request or a reference to a request for data, based on whether account are "high volume" in nature. Accordingly, the answer is responsive to the question actually asked in T29-29(b), which pertains to all QBRM recipients.²

KE/USPS-T29-32(b)

With respect to this question, the KeySpan Motion suffers from two fatal flaws. First, it misreads witness Campbell's description of his field observations concerning

² The Postal Service will concede that the answer is "non-responsive" when KeySpan concedes that whatever question it may have had about "high-volume" QBRM recipients was "non-asked."

“manual distribution productivities.”³ Then the interrogatory asks him a question about those field observations in the context of other operations to which those field observations do not apply.

Yes, the question “refers to” weight conversion techniques, as KeySpan claims at page 4 of its Motion. However, it asks a question about weight conversion – in the context of a specific reference to witness Campbell’s discussion of “manual distribution productivities,” which KeySpan mischaracterizes as a discussion about “manual postage due operations.” Witness Campbell’s response to T29-32(b) points out the flawed nature of the question; but to no avail, since KeySpan argues at page 4 of its Motion that the “witness’ discussion [in his answer] of manual distribution activities and billing and rating productivities are irrelevant.” *Id.* However, it is not witness Campbell who has mixed things up. If KeySpan can step back and review the question, the flaws should become apparent. If KeySpan has some related question, which does not confuse “manual distribution productivities” and “manual postage due operations,” witness Campbell will try his best to answer it. In the mean time, it is not clear what KeySpan wants.

T29-32(g)-(i)

These questions seek representative information describing “special counting machines” used to count QBRM, why they are used, where they are used, why they are not used at other sites, their costs, and their productivities.

In response to these questions, witness Campbell provided all information in USPS LR I-257 about the one machine for which he has been able to obtain information. His efforts to obtain information about other machines continues. As additional information about other machines is obtained, it will be provided. Witness

³ By mistakenly describing those field observations as pertaining to “manual postage due operations.”

Campbell answers indicate that there is no national policy or established criteria for determining when or where these machines are deployed, or what types are to be used.⁴ Most importantly, in response to subpart (j), he indicates that even if it were possible to produce everything responsive to subparts (g)-(i), the Postal Service has not collected any data or conducted any analysis of actual field operation of this equipment which would enable it to estimate the field productivities of these machines and, therefore, cannot answer subpart (j).

At page 5 of its Motion, KeySpan characterizes the responses as "totally non-responsive" and "extremely vague and non-responsive." At this point, KeySpan has all responsive information within the command of witness Campbell. Notwithstanding the absence of any information with which to respond to subpart (j), witness Campbell will continue to search for information responsive to subparts (g)-(i).

The Dozen Question Listed On Page 5

Otherwise, witness Campbell and undersigned counsel have been unable to fathom what the "similar problems" are that arise with respect to the remaining interrogatories listed on page 5 of the KeySpan Motion. It is unreasonable to expect the Postal Service to offer specific responses to unspecified grievances. The Postal Service observes that the list includes one interrogatory, T29-25(a), which requested and received an unambiguous confirmation of the assertion in the question. Apparently, to some, even that answer is "non-responsive."

If the interrogatory responses in this list are indeed similar to the ones discussed in detail above, as KeySpan alleges, the Postal Service submits that its response to the motion proves that there is no substance to KeySpan's complaint.

⁴ The reason they are used is self-evident -- to perform QBRM piece counts.

KeySpan has not been deprived of any opportunity to formally file timely follow-up questions in response to any interrogatory responses which, in its view, require clarification, even those responses which were filed late. However, it is KeySpan which has the obligation, formally or otherwise, to promptly seek clarification of interrogatory responses.⁵ Under the circumstances, witness Campbell is prepared to offer whatever guidance he can to KeySpan under cross-examination.

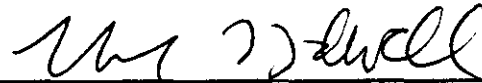
For the foregoing reasons, no action should be taken in response to the KeySpan motion before witness Campbell's appearance for cross-examination on the 28th. In the alternative, the Motion should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



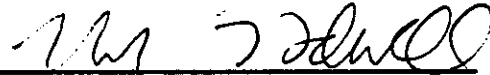
Michael T. Tidwell

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2998 Fax -5402
April 24, 2000

⁵ Instead, the Postal Service got a call from KeySpan on Friday, April 21st, in which KeySpan requested (a) information following up on an interrogatory response from witness Mayo (USPS-T-39); (b) a copy of USPS Library Reference I-257; (3) inquired whether witness Mayes (USPS-T-32) would file errata in connection with the April 17, 2000, errata of witness Fronk (USPS-T-33); and (d) affirmed its (uncontested) expectation that it could cross-examine witness Fronk to explore the extent of his ability to respond to questions about the institutional responses to parts of KE/USPS-T33-3.

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

Michael T. Tidwell

April 24, 2000