

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

OPPOSITION OF THE UNITED STATES POSTAL SERVICE  
TO KEYSpan ENERGY'S REQUEST FOR A POSTAL SERVICE WITNESS TO  
EXPLAIN INSTITUTIONAL INTERROGATORY RESPONSES

The United States Postal Service hereby files this opposition to the May 8, 2000, request by KeySpan Energy that the Postal Service produce witnesses to explain specific institutional interrogatory responses. The KeySpan request identifies the responses to four interrogatories: KE/USPS-T29-10(d), KE/USPS-T29-21, KE/USPS-T29-43 and KE/USPS-T29-53. For the reasons stated below, the KeySpan request should be denied.

KE/USPS-T29-10(d) and T29-43(a)

These institutional interrogatory responses were filed on March 20 and April 6, 2000, respectively. They pertain to the application of the weight averaging per-piece accounting method to both nonletter-size and letter-size Business Reply Mail, a subject about which KeySpan cross-examined witness Campbell extensively on April 28, 2000. See Tr. 14/6084, 6108, 6112-13, 6117, 6170-75, 6179-82, 6200-03.<sup>1</sup> Having had a full opportunity to cross-examine a Postal Service witness on this topic, KeySpan should not now be permitted a second-round of oral cross-examination on this subject on the mere pretext that it wants an explanation of an institutional interrogatory response on the same subject. Presumably, Presiding Officer's Ruling No. R2000-1/40 contemplates a need for cross-examination -- based either upon an absence of a previous opportunity to cross-examine a designated witness on the subject or the failure of a designated

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<sup>1</sup> To say nothing of designated written cross-examination: Tr. 14/5917, 5932-33, 5955, 5957, 5991, 5996, and 6018-19.

witness to provide responsive information when cross-examined about that topic. Here, there was extensive, unimpeded cross-examination of a witness on the subject matter of these interrogatory responses. The Commission should not now tolerate KeySpan's attempt to abuse Presiding Officer's Ruling No. R2000-1/40.

KE/USPS-T29-21

The response to this interrogatory, originally filed as an institutional response, was formally adopted by witness Campbell, on April 20, 2000.<sup>2</sup> It is not an institutional response; nor is it a response provided after the witness' appearance for cross-examination. Accordingly, it does not come within the scope of Presiding Officer's Ruling No. R2000-1/40. KeySpan elected not to cross-examine witness Campbell about this response on April 28<sup>th</sup>. KeySpan has no right to conduct such cross-examination now.

T29-43(b)

In its April 20, 2000, response to this question, the Postal Service indicated that it has not developed any concrete plans to more efficiently process QBRM or perform associated per-piece accounting for high-volume accounts, but that individual sites might initiate their own improvements.

KeySpan's request for an opportunity to cross-examine a witness regarding this response, again, is contrary to the very clear and limited purposes of Presiding Officer's Ruling No. R2000-1/40. KeySpan already has subjected witness Campbell to cross-examination about this particular interrogatory response. Tr. 14/6110-11. Accordingly, if there is to be any meaning to Presiding Officer's Ruling No. R2000-1/40, KeySpan

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<sup>2</sup> See, Notice of the USPS Concerning Witness Campbell's Adoption of Institutional Interrogatory Responses (April 20, 2000).

should not be permitted further cross-examination. KeySpan has been afforded due process. Its attempt to obtain the proverbial "second bite at the apple" makes a mockery of Presiding Officer's Ruling No. R2000-1/40.

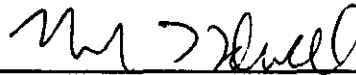
For the foregoing reasons, the Postal Service moves that the KeySpan request be denied in part.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

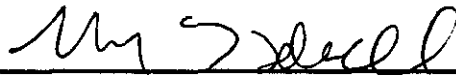


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May 9, 2000

**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.



Michael T. Tidwell

May 9, 2000