

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

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POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

OPPOSITION OF THE UNITED STATES POSTAL SERVICE
TO MAJOR MAILERS ASSOCIATION 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 Major Mailers Association that the Postal Service produce witnesses to, *inter alia*, explain specific institutional interrogatory responses. The MMA request identifies the responses to seven interrogatories: MMA/USPS-T24-14 (response filed February 22, 2000); MMA/USPS-1 (March 16, 2000); ABA&NAPM/USPS-T24-30 through 32 (April 5, 2000), the response to the MMA question posed at Tr.7/3193 (April 28, 2000); MMA/USPS-T32-2 (revised May 8, 2000) and MMA/USPS-T-2 and 3 (May 8, 2000). The request also identifies two Category 3,4 Library References: USPS LR-I-82 -- Address Deficiency Study; and USPS LR-I-192 -- Undeliverable-As-Addressed Study.

The Library References

Library References USPS LR-I-82 and I-192 are category 3/4 Library References filed by the Postal Service.¹ Neither has been the subject of discovery by MMA since filed. Presiding Officer's Ruling No. R2000-1/40 contemplates the provision of postal witnesses to explain interrogatory responses under limited circumstances. It does not contemplate the provision of witnesses to explain the contents of Library References about which a party has either elected or neglected to submit interrogatories. that parties have had six weeks to conduct discovery about -- and still have eight more weeks to conduct discovery about. Presiding Officer's Ruling No. R2000-1/40 established limited procedures for supplementing written discovery with oral cross-

¹ On March 24th and 21st, respectively.

examination. It was not intended to permit the complete substitution of the latter for the former, as contemplated by MMA in this instance. Accordingly, the Postal Service opposes this portion of MMA's request.

Putting aside the fact that this portion's of MMA's request is out of bounds, the provision of a witness on May 11th appears to be infeasible. The documents in question were prepared for the Postal Service by PriceWaterhouseCoopers under a contract which has expired. Without knowing what MMA would seek to ask, it is not clear whether the most appropriate witness would be a postal consultant or a postal employee. If the former, the Postal Service would need have to procure the firm's professional services -- an undertaking which cannot be accomplished in time for May 11th.²

The documents was prepared for the USPS National Customer Support Center, in Memphis, Tennessee. The USPS NCSC employee most knowledgeable about these documents currently is recovering from organ transplant surgery. Others in his office might be knowledgeable enough to answer some questions. But again, there are no institutional interrogatory responses to serve as a useful guide for gauging the scope of their ability to respond to cross-examination. Moreover, the Postal Service considers it extremely unreasonable on such short notice to expect individuals from NCSC to appear before the Commission on the off-chance that some unknown question that MMA might ask might be within the realm of their expertise. The institutional discovery deadline has not passed. Those parties who have not diligently availed themselves of the opportunity for such discovery should do so.

MMA/USPS-1

As requested, this February 22nd institutional interrogatory response: (a) confirms

² The burden and expense of which will not be undertaken by the Postal Service on a contingent basis in the absence of any concrete notion about whether there is a compelling need to procure the services of the firm for such purposes.

the timing of the execution of USPS-LR-I-82, the UAA Study; (b) confirms the filing of the Address Deficiency Study as LR -I-192; (c-h) defines terms referenced in a USPS website summary of the UAA Study; (i-l) confirms that specific passages quoted in the interrogatory appear in that website summary; and (m) provides the umpteenth recitation of the base year clerk/mailhandler hourly wage rate. MMA requests a witness to "explain" these responses. The Postal Service opposes the use of Ruling No. R2000-1/40 as a basis for requiring that a witness appear before the Commission for the purpose of "explaining" how or why an institutional interrogatory response confirms that a document contains passages quoted in the interrogatory.

It appears that this interrogatory has been singled out by MMA solely as a pretext for using the Ruling to make up for a lack of written discovery on Library References heretofore neglected by MMA. The Commission should not permit such an abuse of process and should take this occasion to remind all parties to make use of institutional discovery through the July 11th deadline.

ABA&NAPM/USPS-T24-30 and 31

These April 5th interrogatory responses provide references to estimates of forwarding and return costs, for the base year and test year, respectively. The former costs are reported in the aforementioned LR-I-82; the latter are developed in USPS LR-I-110, a Category 2 Library Reference sponsored by witness Campbell. See Tr. 14/5901. The opportunity to cross-examine witness Campbell about test year forwarding and return costs (and their relationship to base year costs) came and went on April 28th. MMA should not be permitted to abuse Ruling No. R2000-1/40 to engage in lines of cross-examination it either elected or neglected to cover when witness Campbell was on the stand.

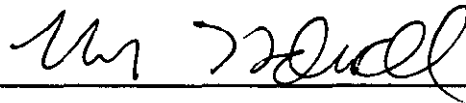
For the foregoing reasons, the Postal Service moves that the MMA request be denied in part.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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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