

BEFORE THE
POSTAL RATE COMMISSION

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

DOCKET NO. R2000-1

OBJECTION OF UNITED PARCEL SERVICE TO INTERROGATORY
OF UNITED STATES POSTAL SERVICE (USPS/UPS-1)
(June 12, 2000)

Pursuant to Section 26(c) of the Commission's Rules of Practice, United Parcel Service ("UPS") hereby files its objection to United States Postal Service ("Postal Service") interrogatory USPS/UPS-1, filed on June 2, 2000. UPS objects on the basis that the interrogatory is not reasonably calculated to lead to the discovery of relevant or admissible evidence.

The Discovery Request

Interrogatory USPS/UPS-1 requests detailed biographical information about two UPS employees. Those individuals had previously been nominated for access to information in Library Reference USPS-LR-I-194, in light of the then-upcoming hearings scheduled for April 11, 2000. See Notice by United Parcel Service of Nomination of Individuals for Access to Library Reference USPS-LR-I-194 ("Notice of Nomination") filed on April 6, 2000. However, these individuals elected not to file the required certifications to obtain access to protected information, and never had access to such information.

The information requested in interrogatory USPS/UPS-1 includes current and prior job titles, job descriptions, work domicile, major department or office, supervising department or office, and all undergraduate and graduate level degrees, including major and minor areas of study, for those two individuals. These individuals have not testified, and are not expected to testify, on behalf of UPS in this proceeding.

The Information Requested Is Irrelevant to This Proceeding.

Presumably, the Postal Service filed this interrogatory to determine whether the individuals named in the Notice of Nomination are involved in competitive decision making on behalf of UPS and are therefore precluded from having access to Library Reference USPS-LR-I-194.¹ However, the individuals have not sought access to protected information. In order to reflect this fact on the docket, UPS withdrew the Notice of Nomination regarding these two individuals on June 9, 2000. Therefore, even assuming that the requested information may have been relevant for purposes of applying the protective conditions imposed on Library Reference USPS-LR-I-194, that information is not relevant now.

The Information Requested Is Not Otherwise Discoverable.

There is no other basis on which this information is discoverable. The Commission's Rules of Practice and Procedure limit discovery to "information which appears reasonably calculated to lead to the discovery of admissible evidence" and that

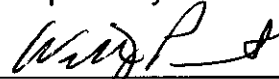
¹ Individuals involved in "competitive decision making" on behalf of a competitor of the Postal Service may not have access to this library reference. See Presiding Officer's Ruling No. R2000-1-17 (March 13, 2000).

is "relevant to the subject matter" of the proceeding. 39 C.F.R. §§ 3001.26(a); 3001.27(a). Personal biographical information concerning individuals not providing testimony is not relevant to a rate case, nor could such information lead to the discovery of relevant evidence.

This result is consistent with limitations on the scope of discovery contained in the Federal Rules of Civil Procedure. Those rules limit discovery to "facts known or opinions held by an expert," and the expert must "ha[ve] been retained or specially employed by another party in anticipation of litigation or preparation for trial" Fed. R. Civ. Proc. 26(b)(4)(B). As full time employees of UPS, these individuals do not fall within that rule.

WHEREFORE, United Parcel Service hereby objects to the United States Postal Service interrogatory USPS/UPS-1.

Respectfully submitted,



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Of Counsel.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document by first class mail, postage prepaid, in accordance with Section 12 of the Commission's Rules of Practice.

A handwritten signature in black ink, appearing to read 'W. J. Pinamont', written over a horizontal line.

William J. Pinamont
Attorney for United Parcel Service

Dated: June 12, 2000
Philadelphia, Pa.