

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, 2001

Docket No. R2001-1

OBJECTIONS OF UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OCA/USPS-64-73, 77-78
(October 29, 2001)

In accordance with Rules 25 and 26 of the Commission's Rules of Practice and Procedure, the Postal Service hereby objects to interrogatories OCA/USPS- 64-73, 77-78, filed on October 17, 2001.

OCA/USPS-64

This interrogatory first asks whether the Postal Service currently participates in the American Customer Satisfaction Index, as do "approximately 30 government agencies". If the answer is negative, an explanation is sought, with supporting documentation. If the answer is positive, OCA seeks copies of all results.

As we will indicate in our partial responses to these interrogatories, the Postal Service is currently included, as it has been since the Index's inception, as part of the *Transportation, Communications and Utilities sector*. The Postal Service was not given a choice as to whether to participate, but was simply included in the list of organizations about which data are collected. Publicly available portions of the Index can be viewed at its website, www.asq.org/info/acsi/scores/transcommutil.htm/.

However, the Postal Service objects to 64c, which asks for copies of all Index results. Because the Postal Service is a subscriber, it is provided with confidential

reports covering segments of the industry in which it is included. The Postal Service pays a substantial fee for this confidential information, and is under contractual obligation not to release it publicly. Since the results can not, in any event, be tied back to any specific postal class or service they are not relevant to any rate or classification issue before the Commission in this proceeding.

OCA/USPS-65

This interrogatory asks, first, whether the Postal Service has ever participated in the American Customer Satisfaction Index and, if so, that the Postal Service furnish copies of the results, without reference to any timeframe. Again, we note that any such results have no relevance to this proceeding, because they do not relate to specific mail classes or services. Further, this interrogatory is overbroad, since it makes no attempt to limit itself to any reasonably current time period or, for that matter, to any particular time period whatsoever.

Subpart (a) asks for a discussion of “why the Postal Service commenced its participation in the Index and what benefits or advantages it expected to accrue by participation”, together with supporting documentation. Subpart (b) asks about any decision to cease participation in the Index. This interrogatory is rendered moot since, as stated earlier, the Postal Service was not given the option to participate in the index but was simply included. Moreover, the Index continues to include the Postal Service. *Had there been a decision to participate, the reasoning behind postal management’s decision to participate in the index would be entirely irrelevant, and well beyond the scope of the issues properly before the Commission in this omnibus rate proceeding.*

OCA/USPS-66-73

These interrogatories may be grouped together for purposes of objection, because they are closely related. Interrogatory 66 asks for the actual video of television advertising for Priority Mail, without specifying any particular commercial or time period in question. It then asks for (a) cites to and copies of "all internal Postal Service documents referring or relating to the truthfulness, accuracy, inaccuracy or deceptiveness of any advertisement or advertisements", as well as (b) cites to and copies of "all tabulations, lists, summaries, analyses and compilations of consumer complaints relating to the truthfulness, accuracy, inaccuracy, or deceptiveness of any advertisement or advertisements". Interrogatory 68 asks for the same things, but relating to Express Mail. Interrogatories 70 and 72 mirror these requests, but they relate to cassette tapes of radio advertising for Priority Mail and Express Mail, respectively. Interrogatories 67, 69, 71 and 73 ask for copies of the storyboards used to develop each of these types of advertising.

All are objectionable, first, on grounds of relevance. The content of the Postal Service's T.V. and radio advertising for Express Mail and Priority Mail, which is aimed in a general way at members of the general public who may or may not ever use the services, would provide the Commission with no additional information that could prove useful in this case. Even if the Commission had statutory authority to review advertising similar to that possessed by the Postal Service under Chapter 30 of Title 39, which it does not, the questions would not have a bearing on the ratemaking and classification issues in this proceeding.

The storyboards would be of even less use since they were generated in the process of developing the advertising, and are, by their very nature, preliminary "works in progress" which might not even be reflected in the finished product. Moreover, it should be noted that storyboards, being a visual tool, do not exist for radio advertising for the simple reason that radio spots do not employ visuals. Furthermore, we note that any existing storyboards would be in the custody of the ad agencies that developed them, would likely be burdensome even to locate, and have probably not all been kept. The burden of locating them could not be justified, given their irrelevance to this proceeding. Finally, the request for story boards is cumulative, and redundant of the requests for the final advertisements themselves, which, if ultimately provided, should be sufficient for the OCA's purposes. These interrogatories are also overbroad, since they do not limit themselves to years falling within the scope of this case, but are completely unlimited as to timeframe.

Subparts (a) of interrogatories 66, 68, 70 and 72 are objectionable on the additional ground that they seek to expose the deliberative, decisionmaking processes of postal management, and encompass privileged and confidential attorney/client communications as well. OCA seeks purely internal documents "relating to the truthfulness, accuracy, inaccuracy or deceptiveness" of any T.V. or radio ad identified. Postal personnel have to be able to have an ongoing, free and frank exchange, among themselves and with counsel, on issues such as the quality, efficacy or continuing accuracy of advertising campaigns, without fear that their views may subsequently be exposed to the competition and the general public. Such exchanges should be

privileged from disclosure, particularly where the information sought has no relevance to the issues at hand.

In the spirit of cooperation, the Postal Service did not object to a previous interrogatory of the OCA (OCS/USPS-22) dealing with advertising materials, despite concerns regarding its objectionable nature.¹ The Postal Service is still gathering the materials requested earlier and will make them available as soon as possible. However, when confronted by the overbroad, wide-ranging, cumulative, redundant and irrelevant requests represented by interrogatories 66 through 73, the Postal Service feels that it has no choice but to object. The OCA is invited to contact undersigned counsel to discuss the prospects for a more limited, reasonable and mutually-agreeable disclosure of advertising materials.

OCA/USPS-77

This interrogatory asks for a copy of a letter being sent by the Postal Service to 135 million U.S. homes, businesses and other addresses, warning the public of biohazards in the mail. It also asks for an estimate of the cost to prepare and send the warning. The interrogatory is irrelevant, and cannot lead to the discovery of admissible evidence. Although the letter and associated cost information may be of general interest, they have no substantial connection with postal rates or classifications, or the statutory ratemaking or classification criteria at issue in this proceeding.

¹ Similarly, the Postal Service has chosen to provide videotapes sought in OCA/USPS-79 and -81 because they were readily available, notwithstanding their materiality.

OCA/USPS-78

This interrogatory refers to USPS-LR-J-144, volume 1, and asks for a copy of the video "Customer Perceptions" identified on page 109 of "Module 5: Domestic Mail." The video requested is used for training purposes only, contains no class- or service-specific information, and does not even feature the views of actual customers, or actual postal products and services. Instead, the presenter elicits negative customer experiences (outside the postal context) from postal retail trainees, admonishing them to consider what postal customers would think if they received the same types of poor service. As such, the video is irrelevant to the issues before the Commission in this proceeding.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

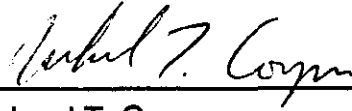
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October 29, 2001

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.



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