

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, 1997

Docket No. R97-1

OBJECTION OF UNITED STATES POSTAL SERVICE  
TO OCA/USPS-1(C) and (D), 2  
(July 28, 1997)

The United States Postal Service hereby objects to subparts (c) and (d) of interrogatory OCA/USPS-1, and to OCA/USPS-2, both of which were filed on July 16, 1997. The Postal Service's objections to each interrogatory are based upon relevance.

OCA/USPS-1(c) requests "copies of all Postal Inspection Service reports relating to data measurement and reporting systems (whether draft or final) prepared since October 1, 1991." OCA/USPS-1(d) seeks "copies of all reports (whether draft or final) relating to [data error problems]." The Postal Service objects to these subparts to the extent that they require the provision of draft materials.

Regarding OCA/USPS-1( c), in addition to a number of final reports which will be furnished with the interrogatory response, we have identified one preliminary draft of a report arising from an ongoing Inspection Service audit. This report is currently undergoing significant evaluation and revisions by the Inspection Service. As soon as the report from this audit becomes final, this office will notify the Office of the Consumer Advocate, review the report, and either present objections to its release or file it as an updated response to this interrogatory within five working days of our receipt of the final version. Premature release of an Inspection Service audit draft while the report is still being reviewed and its conclusions formulated would constitute an intrusion into the Inspection Service's investigative function.

Release of the any such reports in draft form, in response to either OCA/USPS-1(c) or (d), would furnish the OCA with material which could not be argued to lead to the discovery of evidence admissible in this proceeding. In addition to creating the

potential to interfere with the Inspection Service's investigatory function or with the frank review of the Postal Service's data systems, disclosure would fall within the privilege for government documents, which protects the deliberative process of the government against unwarranted exposure. No interest that would be furthered by producing draft reports, which until final are unlikely to lead to the discovery of admissible evidence, would outweigh this intrusion.

OCA/USPS-2 asks that the Postal Service

describe all steps taken to comply with the requests referred to in OCA/USPS-1. . . includ[ing], but not be limited to, answers to the following questions:

- (a) What person or persons were assigned responsibility for gathering information pertinent to the requests? Provide the position description of each such person and what responsibility each such person was given.
- (b) What instructions were given to the persons identified in part "a" of this interrogatory? If the instructions were given in writing, supply any such document.
- (c) What instructions did anyone else responsible for complying with the request give or receive? If the instructions were given in writing, supply any such document.
- (d) Whose offices were searched for documents responsive to the request? Please provide the person's name and his or her position description.

Like interrogatory OCA/USPS-3(b), which requested that the Postal Service provide responses to three discovery requests from Docket No. MC97-2,<sup>1</sup> and to which an objection was filed on July 24, this line of inquiry does not appear to be "reasonably calculated to lead to the discovery of admissible evidence," as required by rules 25 and 26 of the Commission's Rules of Practice. Instead, it seems to be a continuation of the OCA's efforts to attach a name to each portion of institutional responses to discovery requests.

In Docket No. R94-1, the OCA displayed dissatisfaction with the Postal Service's provision of institutional interrogatory responses to discovery which did not fall within the sphere of a particular piece of testimony. See R94-1, Tr. 2/337. In the course of a

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<sup>1</sup> Docket No. MC97-2 was withdrawn prior to the dates on which objections or responses to these interrogatories were due.

discussion during evidentiary hearings regarding the designation of such responses, the OCA claimed a potential need for participants to "thoroughly probe the answers" provided by the Postal Service as an institution, and argued that such investigation would be best facilitated "if an individual . . . is identified as being responsible for providing that answer." *Id.* The OCA advocated that the Postal Service name as additional witnesses "those individuals . . . who are knowledgeable about the answers provided." *Id.* at 337-338.

The Presiding Officer, noting that "[i]t is reasonable that certain items of relevant background information may be known to an institution while not being in the ambit of knowledge of an identified witness," POR No. R94-1/29 (June 8, 1994), at 1, rejected the concerns voiced by the OCA, and set forth procedures by which institutional responses could be designated. *Id.* at 2.

Interrogatory OCA/USPS-2 asks that the Postal Service identify each individual and office involved in preparing a response to OCA/USPS-1, as well as the instructions given to those persons. This information will not yield admissible evidence relevant to the rates or classification issues before the Commission. The Commission has consistently held that names of Postal employees are not usually relevant to the issues involved in Commission proceedings. See POR R94-1/16 (May 23, 1994), at 3. Nor would the identification of position descriptions or instructions provided to persons responsible for preparing responses to interrogatories asked to the Postal Service as an institution. The Postal Service has presented more than forty witnesses to whom interrogatories relevant to the proposals before the Commission may be addressed; expanding this number to include persons providing information sought generally from

the Postal Service would have the potential for boundlessly elaborating on the size and the scope of this proceeding.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

**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.

  
Arne B. Reynolds

475 L'Enfant Plaza West, SW  
Washington DC 20260-1137  
(202)268-2970; Fax -5402  
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