

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-8
(July 28, 1997)

The United States Postal Service hereby objects to interrogatory OCA/USPS-8, filed on July 17, 1997. The interrogatory focusses on numerous library references filed by the Postal Service in this proceeding, but, in large part, does not concern the substance of those library references. Rather, the interrogatory seeks information regarding citations to the library references in Postal Service testimony, the identity of witnesses sponsoring them, the identity of witnesses relying upon them, the identity of witnesses contributing to their production, information regarding the identity of consultants and Postal Service employees who worked on them, and communications detailing the work to be performed by contributors to them.

The Postal Service objects to this interrogatory on several grounds. First, the interrogatory is not reasonably calculated to lead to the production of admissible evidence. While the OCA appears to seek to a detailed roadmap of many of the Postal Service's library references in this proceeding, such a roadmap is unlikely to have any value as evidence in this proceeding.

Similarly, the interrogatory is objectionable due to its questionable relevance to the issues in this case, and because it is overbroad. In many cases, Postal Service library references are produced solely as background information, or strictly in order to comply with documentation requirements imposed by the Commission's rules. As such, they

need not be an integral part of the Postal Service's filing, no witness need sponsor or rely upon them, and the identity of their preparers, the extent of preparer contribution, and the other wide-ranging characteristics sought by the OCA have little demonstrable bearing on the issues in this case.

The interrogatory is also objectionable as unduly burdensome. In complying with the Commission's complex, comprehensive, and demanding filing requirements, the Postal Service has provided ample information regarding the sources of information upon which each of its witnesses relies. The OCA is urged to thoroughly review that documentation prior to requesting more of the same in a different but largely redundant format. The information requested by the OCA is unnecessary to the OCA in determining the relationship of the Postal Service's case and its underlying sources. The burden of creating the road map and other additional non-substantive documentation now requested, which the Postal Service estimates at several days, thus is unjustified.

The Postal Service has additional, specific comments relating to those portions of this interrogatory directed at LR-H-196, which illustrate the objectionable nature of the OCA's approach. The OCA's insistence upon the identification of a sponsoring witness and further identification of all witnesses, Postal Service employees or contractors or consultants who prepared various library references is particularly egregious with regard to this library reference, "Rule 54(a)(1) Alternate Commission Cost Presentation (Base Year)." As the OCA is surely aware, this library reference was prepared pursuant to revised Rule 54(a)(1), which provides, in pertinent part, that "[i]f a request proposes to change the cost attribution principles applied by the Commission in the most recent

general rate proceeding in which its recommended rates were adopted, the Postal Service's request shall include an alternate cost presentation satisfying paragraph (h) of this section that shows what the effect on its request would be if it did not propose changes in attribution principles." The revised rule does not require that the alternate cost presentation be submitted in a particular format or that it have a sponsoring witness. Moreover, in enacting the revision, the Commission specifically stated:

The primary purpose of proposed rule 54(a) is not to preserve access to record cost data. . . . The purpose of Rule 54(a) is to ensure that parties and the Commission have timely notice of the effect that the Postal Service's proposed changes in rates and attribution would have on cost coverages. . . . Because the alternative cost presentation required by Rule 54 is not needed to supply an evidentiary basis for applying established attribution principles, *the alternate cost presentation may be provided in the form of either a library reference or sworn testimony.*

The NPR emphasized that *the Postal Service would not be required to affirm either the theoretical or the practical merits of established attribution principles.* It is merely to affirm that it has made a good faith effort to give notice of what the impact would be of its proposed departures from established attribution principles. Order No. 1146 at 10 [61 FR at 67762]. Such an affirmation would not require the Postal Service to adopt a litigating position against it [sic] will, except to the extent that any proponent must carry the burden of going forward, and the burden of persuasion, if its proposals are to prevail.

Order No. 1176, Docket No. RM97-1, May 27, 1997, at 23-24. Clearly then, Library Reference H-196 does not require a sponsoring witness, nor do the identities of those persons responsible for preparing it need to be revealed. Such information is neither germane to any issues in this proceeding nor is it required by either the specific language of revised Rule 54(a)(1) or the Commission's express purpose in enacting it.

The OCA's requests for information pertaining to this and other library references would, if answered, circumvent the Commission's rules by requiring the Postal Service to "sponsor" LR H-196, and thus, in effect, "adopt a litigating position against its will."

In order for discovery to be productive in this proceeding, it is reasonable to expect that the OCA will narrowly target its information requests so that they avoid the problems of overbreadth, relevance, undue burden and inconsistency with Commission rulings which plague interrogatory OCA/USPS-8.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

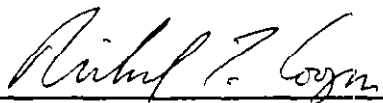
By its attorneys:

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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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July 28, 1997