

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 UPS INTERROGATORY UPS/USPS-T33-2  
TO WITNESS SHARKEY  
(August 7, 1997)

The United States Postal Service hereby objects to interrogatory UPS/USPS-T33-2, filed on July 28, 1997. This interrogatory requests all contracts, agreements, memoranda of understanding, and the like, between the Postal Service and CNF Transportation, Inc., Emery Worldwide Airlines, Conway Transportation, and/or Menlo Logistics with regard to the handling of Priority Mail under contract, including any documents specifying services to be performed or the costs of such services, together with all documents establishing the costs to the Postal Service for services rendered under any such Priority Mail services contracts. The interrogatory also requests all pre-award documents provided by any of the aforementioned private companies to the Postal Service in connection with the Postal Service's Request for Proposals.

The information requested is similar to the subject matter of parts (c) and (d) of interrogatory UPS/USPS-T33-1 to witness Sharkey, to which objections have been filed. In addition to being somewhat duplicative and redundant of the former interrogatory, it raises the same concerns as interrogatory 1, and is objectionable on similar grounds. The Postal Service therefore objects on the ground that the information requested is

confidential business information containing trade secrets of the Postal Service, of Emery Worldwide Airlines, to whom the PMPC contract was awarded, and of other affected business entities submitting proposals for the PMPC bid. In addition, the Postal Service is concerned that the procurement process could be compromised in the future if confidential business information submitted in response to a request for proposals were subjected to disclosure in discovery, and objects to disclosure for that reason. Also with respect to this interrogatory, the Postal Service objects that due to the breadth of the interrogatory, a large number of documents which would need to be reviewed and copied or otherwise produced, and the burden of producing all affected documents is not justified given their tangential relevance to issues in this case.

Notwithstanding its objections, the Postal Service can state that its initial review of the requested documents indicates that the Postal Service has contracted with only one entity, Emery Worldwide Airlines, for the handling of the Priority Mail within the scope of this interrogatory. As noted in its objection to the prior UPS interrogatory, moreover, the Postal Service is in the process of collecting and reviewing information potentially falling within the scope of this interrogatory, and will attempt to determine which portions of that information, if any, do not involve the objectionable characteristics mentioned above. As discussed with counsel for UPS, if such portions are discovered, the Postal Service will attempt, under appropriate conditions, to make such portions available to the requesting

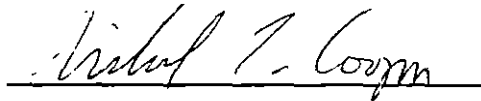
party. In the present circumstances, however, the Postal Service must preserve its rights by objecting to the interrogatory in full.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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August 7, 1997

#### 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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