

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

**OBJECTIONS OF THE UNITED STATES POSTAL SERVICE
TO DOUGLAS CARLSON INTERROGATORIES DFC/USPS-T32-8a AND T32-9
TO WITNESS FRONK
(August 12, 1997)**

The United States Postal Service hereby objects to subpart (a) of interrogatory DFC/USPS-T32-8 and to T32-9, filed on August 4, 1997, for the reasons stated below.

DFC/USPS-T-32-8a

This interrogatory requests that witness Fronk "confirm that Douglas F. Carlson . . . [is] an individual." The Postal Service believes that the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Nor would any answer be relevant to any issue in this proceeding. Whether Mr. Carlson is an "individual," a "partner" affiliated with others, or a "member" of an organization or consortium is not a matter that it is reasonable to expect witness Fronk -- or any other postal witness, or the Postal Service, for that matter -- to be able to "confirm." The designation that Mr. Carlson may apply to himself for purposes of these proceedings (or for other purposes) is not a matter within the scope of Mr. Fronk's testimony. Nor is it relevant to any issue in this proceeding.

DFC/USPS-T-32-9

The Postal Service objects to this interrogatory on the ground that the underlying original question, DFC/USPS-T32-7, has been asked and answered to the best of witness Fronk's ability. The original question, T32-7, asked witness Fronk to assume

that the administrative and enforcement problems inherent in the implementation of Courtesy Envelope Mail (CEM) or Public's Automation Rate (PAR) did not exist or could be eliminated and then to indicate whether the Postal Service would support one or both of these proposals. Witness Fronk responded to DFC/USPS-T32-7, on July 30, 1997, by explaining why it was impossible to answer such a question.

In DFC/USPS-T32-9, Mr. Carlson instructs witness Fronk either to redirect the question to a witness who can answer it, redirect it to the Postal Service, or ask counsel to file an objection stating the legal grounds underlying the Postal Service's inability to answer the question.

The plain fact is that witness Fronk would have responded to the question, if it were possible to do so. There is no point in redirecting it to another witness or to the Postal Service for response. The inability to answer the question results from the fact that it has a fatal flaw -- it asks witness Fronk to "assume away" inherent characteristics of CEM and PAR. It then asks him -- in the absence of these inherent characteristics -- to speculate whether the Postal Service would support one or both of the proposals.

The question is no different than asking witness Fronk to assume that pigs can fly and -- if they carried passengers and if he needed to travel by air on official business -- to state whether the Postal Service would authorized him to fly by pig or by plane.

The inability to fly is an inherent characteristic of pigs. If this characteristic is "assumed away," the result is a nonsensical question which can only lead to a similar answer. Similarly, administrative and enforcement issues are part and parcel of CEM and PAR.¹ Those issues simply cannot be "assumed away" from CEM or PAR. But,

¹ Or, to mix metaphors, CEM and PAR do not fly without their baggage.

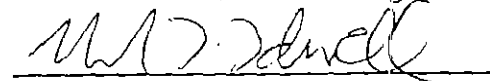
even assuming CEM or PAR did not generate administrative and enforcement issues or that these issues could be "assumed away," no purpose related to Docket No. R97-1 would be served by asking witness Fronk to speculate whether the Postal Service would support either or both hypothetical forms of CEM or PAR. Support them under what circumstances? In lieu of Prepaid Reply Mail? In Docket No. R97-1? Or is the real question whether the Postal Service would support either CEM or PAR or both proposals? However it is formulated, DFC/USPS-T32-9 calls for speculation on top of speculation. It is not reasonably calculated to lead to the discovery of admissible evidence and could not possibly produce any answer which could enlighten the Commission on any issue in the current proceeding. Accordingly, the Postal Service files this objection to Mr. Carlson's insistence that witness Fronk, some other witness, or the Postal Service respond to this question.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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August 12, 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.

A handwritten signature in black ink, appearing to read "Michael T. Tidwell", written over a horizontal line.

Michael T. Tidwell

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