

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

RECEIVED
DEC 11 3 17 PM '01
POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes, 2001)

Docket No. R2001-1

OFFICE OF THE CONSUMER ADVOCATE MOTION FOR LEAVE TO FILE
SUPPLEMENT TO REPLY TO OPPOSITION OF UNITED STATES POSTAL SERVICE
TO OCA MOTION TO COMPEL PRODUCTION OF DOCUMENTS
REQUESTED IN OCA/USPS-64(c), 65-73, 77-78
(December 11, 2001)

The Office of the Consumer Advocate hereby moves for leave to file a supplement to its reply to the Opposition of the United States Postal Service to the OCA's motion to compel the production of documents requested in OCA/USPS-64(c), 65-73, 77-78 ("Opposition").¹

OCA previously sought leave to file a reply to provide the Commission the OCA's analysis of the guidelines attached to the Postal Service's Opposition that had not been available to the OCA.² A fair reading of those guidelines suggested that the Postal Service's claim that the requested documents may not be produced in this proceeding, even subject to appropriate protective conditions, was not supported by the guidelines attached to the Postal Service's Opposition.

¹ "Opposition of United States Postal Service to OCA Motion to Compel Production of Documents Requested in OCA/USPS-64(c), 65-73, 77-78," November 20, 2001.


² See "Office of the Consumer Advocate Motion For Leave To File Reply to Opposition of United States Postal Service to OCA Motion to Compel Production Of Documents Requested In OCA/USPS-64(C), 65-73, 77-78," filed November 28, 2001; "Office of the Consumer Advocate Reply to Opposition of United States Postal Service to OCA Motion to Compel Production of Documents Requested In OCA/USPS-64(C), 65-73, 77-78," filed November 28, 2001.

Apparently agreeing with the OCA's reply argument, the Postal Service has now filed a copy of the contract itself, referred to as the "ACSI Application for Subscription."³ In its Opposition (at 2) the Postal Service represented that releasing results from the American Consumer Satisfaction Index would violate the terms of the contract between the Service and the American Society of Quality. The Service argued that "[e]ven release of the information under protective conditions as the OCA suggests, would violate the subscription contract." The Service, however, did not file the contract with its Opposition. It filed the contract only after the OCA filed its reply. As will be set forth more fully in the OCA's supplement to its reply, which is being prepared, the contract supports the Service's position no more than did the guidelines.

³ "Notice of Filing of the (United States) Postal Service of Supplemental Material to Opposition of United States Postal Service to OCA Motion to Compel Production of Documents Requested in OCA/USPS-64(c), 65-73, 77-78," December 6, 2001.

Because the Service withheld the contract, while citing the contract as a bar to discovery in its Opposition, the OCA respectfully requests leave to file a supplement to its reply to the Opposition of the Postal Service.

Respectfully submitted,



FREDERICK E. DOOLEY
Attorney

SHELLEY S. DREIFUSS
Acting Director
Office of the Consumer Advocate

1333 H Street, N.W.
Washington, D.C. 20268-0001
(202) 789-6830; Fax (202) 789-6819

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with Rule 12 of the rules of practice.



Stephanie S. Wallace

Washington, D.C. 20268-0001
December 11, 2001