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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S  
RULING NO. R2001-1/21

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes

Docket No. R2001-1

PRESIDING OFFICER'S RULING ON  
OCA MOTION TO COMPEL PRODUCTION  
OF INFORMATION REQUESTED IN  
OCA/USPS-180-181

(Issued December 18, 2001)

On December 6, 2001, the Office of the Consumer Advocate filed a motion<sup>1</sup> to compel the production of materials requested in Interrogatories OCA/USPS-180 and -181. These interrogatories—which request copies of television and radio advertising for Priority Mail and Express Mail in Fiscal Year 2002—are identical in substance to portions of Interrogatories OCA/USPS-66, -68, -70, and -72, which were recently addressed in P.O. Ruling R2001-1/20. The Postal Service objected to OCA/USPS-180 and -181 on the asserted ground of irrelevance, the same basis invoked for the earlier OCA interrogatories.<sup>2</sup>

In its motion, OCA argues that the finding in P.O. Ruling R2001-1/12 that the Service's advertising claims and consumer complaints about such claims are relevant likewise establishes the relevance of the requested copies of advertisements in the current Fiscal Year. OCA also notes that the interrogatories at issue here do not seek the types of internal analyses and compilations of consumer complaints disputed in the motion to compel responses to OCA/USPS-66, -68, -70, and -72.

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<sup>1</sup> Office of the Consumer Advocate Motion to Compel Production of Documents Requested in Interrogatory OCA/USPS-180-181, December 6, 2001.

<sup>2</sup> Objections of United States Postal Service to Interrogatories OCA/USPS-180-181, November 23, 2001.

In its Opposition,<sup>3</sup> the Postal Service reiterates its argument that interrogatories relating to advertisements seek information that is irrelevant to issues in rate and classification proceedings, and that reviewing the accuracy or truthfulness of the Service's advertisements is a function beyond the Commission's jurisdiction. The Service does not claim that providing copies of the requested materials would be unduly burdensome or injurious in any other way.

For reasons set out in P.O. Ruling R2001-1/20,<sup>4</sup> I shall grant OCA's motion. These interrogatories seek materials that are "likely to have a major influence on the public's perception of the potential values of the various services offered by the Postal Service."<sup>5</sup> Therefore, as I found in the earlier ruling, "the content of advertisements about mail categories under consideration in a Commission proceeding may constitute admissible evidence[.]"<sup>6</sup>

Knowing the substance of the Service's representations to the public enables a comparison with actual service performance, which in turn informs the Commission's assessment of the values of the advertised services under § 3622(b)(2). This analysis, which may find disparities between representations in advertising and actual service performance to varying degrees, is in no sense an adjudication on the accuracy or truthfulness of any particular advertisement.

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<sup>3</sup> Opposition of United States Postal Service to OCA Motion to Compel Production of Documents Requested in Interrogatories OCA/USPS-180-181, December 13, 2001.


<sup>4</sup> See P.O. Ruling R2001-1/20, December 14, 2001, at 9.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

RULING

The Office of the Consumer Advocate Motion to Compel Production of Documents Requested in Interrogatory OCA/USPS-180-181, filed December 6, 2001, is granted.



George Omas  
Presiding Officer