

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, 2001

Docket No. R2001-1

**UNITED STATES POSTAL SERVICE OBJECTION
TO INTERROGATORIES DBP/USPS—98(B) AND 100(B)**

The Postal Service hereby objects to interrogatories DBP/USPS—98(b) and 100(b), filed on December 17, 2001. The grounds for each objection are set forth below.

Interrogatory DBP/USPS-98(b). This interrogatory asks the Postal Service to provide a copy of draft proposed a Domestic Mail Manual interpretive rule pertaining to Express Mail refund limitations. This interrogatory is objectionable on grounds of deliberative process privilege. The Postal Service is still formulating the proposal and discussing its contents. Protection of such predecisional deliberations would further the interests served by the privilege, namely, "encouraging candor among those advising decisionmakers, with open discussion of legal and policy issues." P.O. Ruling No. R97-1/60 (citing and quoting *N.L.R.B. v. Sears, Roebuck & Co.*, 421 U.S. 132, 151 (1975); *In re Sealed Case*, 116 F.3d 550, 557-58 (D.C. Cir. 1997); *Mapother v. Department of Justice*, 3 F.3d 1533, 1537 (D.C. Cir. 1993); *Wolfe v. Department of Health and Human Services*, 839 F.2d 768, 773-74 (D.C. Cir. 1988)). The Postal Service will, however, provide a partial response to this interrogatory indicating its intent regarding the proposed rule. By providing a response, the Postal Service does not intend to waive its right to object to related or follow-up discovery.

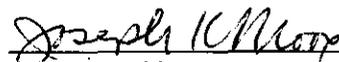
Interrogatory DBP/USPS-100(b). This interrogatory asks when the Postal Service decided to propose changes to proposed DMCS sections 182.51 and 182.52. The Postal Service objects to this interrogatory on grounds of relevance. The time when a decision is made to go forward with a particular classification change is irrelevant, since such information does not shed light on the substantive merit of the proposed change.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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for 
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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.

for 
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