

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 INTERROGATORY
OF THE NEWSPAPER ASSOCIATION OF AMERICA DIRECTED TO THE POSTAL
SERVICE
(NAA/USPS-12)

In accordance with Rules 25 and 26 of the Commission's Rules of Practice and Procedure, the Postal Service objects to interrogatory NAA/USPS-12 directed to the Postal Service and filed on August 29, 1997.

The Postal Service objects to interrogatory NAA/USPS-12 on grounds of relevance and commercial sensitivity. The introductory subpart and subpart (a) to interrogatory 12 ask whether the Postal Service has signed an agreement "that provides that Ace Hardware will be the first piece of mail that will reach any new address or new occupant of an existing address, either in a particular region or nationally," and if so, a copy of that document is requested. Subpart (b) of the interrogatory asks whether any agent or subcontractor of the Postal Service, such as Targeted Marketing Solutions, Inc., has entered into such an agreement with Ace Hardware or any other advertiser, and if so, a copy of such agreement is requested.

The subject matter of this interrogatory is irrelevant to the matters at issue here. Whether the Postal Service has entered into an arrangement with Ace Hardware that falls within the scope of this interrogatory is completely unrelated to the pricing and classification changes at issue in this forum.¹ Apart from lack of relevance, subpart

¹ As information, the Postal Service has not signed an agreement that provides that Ace Hardware will be the first piece of mail that will reach any new address or new

(b) to interrogatory 12 is objectionable on grounds of commercial sensitivity. To the extent that responsive records even exist and the Postal Service maintained custody of such records,² such documents would likely contain confidential business information or trade secrets of the parties to such contracts.³

WHEREFORE, the United States Postal Service objects to interrogatory NAA/USPS-12.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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occupant of an existing address. This fact would accordingly moot a motion to compel a response to subpart (a) of interrogatory 12. Assuming the Postal Service had entered into any such arrangement, however, the interrogatory could still be objectionable on grounds that production of the requested document could result in the disclosure of commercially sensitive information that could give rise to competitive harm to the Postal Service or its contractor.

² The Postal Service has not identified any documents responsive to this request. The Postal Service, moreover, believes that no such documents exist, either in its custody or in the custody of its agents, contractors, or subcontractors. If, however, it is discovered that responsive documents do exist and are determined to be in the Postal Service's possession, the Postal Service will promptly supplement the instant objection.

³ The Postal Service further notes that such documents would likely be withheld from public disclosure in other contexts. Specifically, exemption 4 to FOIA protects from disclosure "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552. In addition, the Trade Secrets Act, 18 U.S.C. § 1905, punishes officers and employees of the United States who divulge, to any extent not authorized by law, any information containing a private party's trade secrets coming to them in the course of their duties.

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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