

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
OCA INTERROGATORIES TO WITNESS FRONK
(OCA/USPS-T32-57b, 63a&b, 76b AND 106c)
(September 12, 1997)**

The United States Postal Service hereby objects to interrogatories directed by the Office of the Consumer Advocate to witness Fronk on September 2, 1997:

OCA/USPS-T-32-57b

This interrogatory asks witness Fronk whether the Postal Service intends to incorporate a particular Library Reference as part of its testimony in this proceeding. It asks, if the answer to the first question is in the negative, to explain why not. It also asks, if the answer to the first question is in the affirmative, to name the sponsor of such testimony.

The interrogatory is one which relates to litigation strategy, as opposed to the substantive issues in this proceeding. It is not calculated to lead to the discovery of admissible evidence. The Postal Service considers its litigation strategy to be a subject which is protected from disclosure by the attorney-client privilege. The Postal Service (and witness Fronk, when appropriate), will continue to respond to questions about the contents of the Library Reference.¹

¹ The interrogatory also raises procedural issues which are currently being considered by the Commission in connection with the August 29, 1997, motion of NDMS to strike a portion of the testimony of witness Fronk. Any response to OCA/USPS-T32-57b by witness Fronk would be affected by the Commission's ruling in response to that motion.

OCA/USPS-T32-63a

This interrogatory asks the Postal Service to reveal the names, positions, phone numbers, and organizations of all persons interviewed as part of the survey reflected in USPS-LR-H-226. *The Postal Service considers this information to be privileged.* Moreover, it is not necessary to an understanding of the comments of the survey respondents.

Participation in the survey was premised upon an unconditional guarantee of anonymity of survey respondents. Disclosure of the requested information to any and all participants in the current proceeding, even under protective conditions, would violate that guarantee and discourage future surveys participation by potential respondents approached by the Postal Service. Disclosure of the requested information also could subject USPS-LR-H-226 survey respondents to communications from other participants in this proceeding, contrary to the guarantee on which survey participation was premised. If it becomes a practice in these proceedings to require the disclosure of the names, telephone numbers, and business addresses of persons surveyed, contrary to the express conditions under which their participation was obtained, a grave threat to the ability of all participants in these proceedings to conduct effective future market research could follow.

OCA/USPS-T32-63b

This question asks the Postal Service to state whether it would be amenable to furnishing the aforementioned survey respondents with a questionnaire concerning the OCA's Docket No. MC95-1 Courtesy Envelope Mail proposal. If the response to that request is in the negative, the Postal Service is asked to explain why.

The interrogatory is an improper use of discovery. Questions about the Postal

Service's *amenability* to serving as a conduit for OCA market research on a rate proposal which was rejected by the Governors in Docket No. MC95-1 are not calculated to lead to the discovery of admissible evidence. The OCA is free to conduct its own surveys, of its own design, of anonymous members of the mailing public.

OCA/USPS-T32-76b

This interrogatory asks the Postal Service to unconditionally disclose any reports or summaries produced during the last five years which relate to accounting problems with BRMAS. The Postal Service objects to this interrogatory, to the extent that it could be interpreted as requesting the disclosure of any information which could potentially identify any particular BRM recipient or reveal the volumes of BRM received by an identifiable recipient. The Postal Service considers such information to be commercially sensitive and privileged.

OCA/USPS-T32-106c

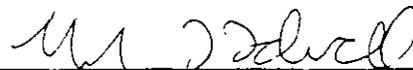
This interrogatory asks witness Fronk to provide what the Postal Service has been asked to provide in response to OCA/USPS-20c. The Postal Service respectfully submits that the objection filed in response to OCA/USPS-20c yesterday applies equally to this question.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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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.

A handwritten signature in cursive script, appearing to read "Michael T. Tidwell", is written over a horizontal line.

Michael T. Tidwell

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