

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 INTERROGATORIES FGFS/USPS-T2-12(A) AND (C)
(September 15, 1997)

The United States Postal Service hereby objects to interrogatories FGFS/USPS-12(a) and (c), filed on September 3, 1997. The interrogatories refer to a table of highway capacity utilization factors for purchased transportation for FY 1995, which was filed in response to an interrogatory in Docket No. MC97-2. Interrogatory FGFS/USPS-12(a) requests that witness Nieto confirm that the data referred to are accurately presented;^{1/} FGFS/USPS-T2-12(c) asks that witness Nieto "provide comparable capacity utilization data for each of the Fys from 1990 through 1994." The Postal Service objects to each of these interrogatories on the basis of relevance to the issues in this proceeding.

The Florida Gift Fruit Shippers Association (FGFS) filed a discovery request seeking the information sought by FGFS/USPS-T2-12(c) in Docket No. MC97-2. See *Florida Gift Fruit Shippers Association Interrogatories to United States Postal Service Witness: Philip A. Hatfield, FGFS/USPS-T6-1-14* (March 15, 1997). The Postal Service objected to the interrogatory in that proceeding, as it does here, on grounds of relevance. See *United States Postal Service Objection or, in the Alternative, Motion to be Excused from Answering Interrogatories FGFS/USPS-T6-3(B), 7(A)*,

¹ The interrogatories, as originally served upon the Postal Service, did not include the table referred to in the question. Counsel for FGFS provided a copy of the table to the Postal Service for the witness's review.

8, and 9(B) *in Lieu of Objection* (March 27, 1997), on the grounds of relevance. FGFSa did not move to compel a response to the discovery request in Docket No. MC97-2. The Postal Service hereby renews its objection.

The base year in this docket is FY 1996. Interrogatory FGFSa/USPS-T2-12(a) seeks confirmation of figures from the fiscal year preceding the base year, none of which are related to this proceeding. Interrogatory FGFSa/USPS-T2-12(c) seeks historical information which is neither relied upon by any of the Postal Service's witnesses, nor is it used as part of the Postal Service's evidentiary presentation in this proceeding. Information responsive to each of these discovery requests is clearly irrelevant to the issues currently before the Commission.

This clear lack of relevance is coupled with the significant burden inherent in responding to interrogatory FGFSa/USPS-T2-12(c).² In order to provide a response, witness Nieto would be required to locate and compile the requested information, and compute data from four fiscal years into the requested calculations. According to Presiding Officer's Ruling No. R90-1/34, the "lack of reliance by the Postal Service logically should enter into the balancing equation when considering what discovery burden was warranted." *Presiding Officer's Ruling No. R90-1/34*, at 3. It is the position of the Postal Service that the complete lack of reliance in this

² Because the burden involved in providing a response to FGFSa/USPS-T2-12(a) is substantially less than that described for providing answers to FGFSa/USPS-T2-12(c), the Postal Service will be filing a response on September 17, the due date for interrogatory responses. In doing so, however, the Postal Service does not concede the relevance of the material provided.

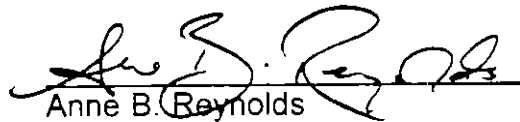
docket upon the information requested, coupled with the burden involved in providing it, should excuse the Postal Service from providing it.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

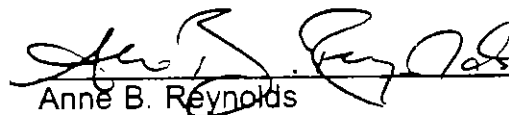
Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Anne B. Reynolds

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.



Anne B. Reynolds

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