

DOCKET SECTION

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE AND FEE CHANGES, 1997

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY
Docket No. R97-1

**OBJECTIONS OF THE UNITED STATES POSTAL SERVICE
TO PARTS OF DAVID POPKIN INTERROGATORIES
(DBP/USPS-6 THROUGH 9, 13, 14, 16, 52 and 59)
(September 25, 1997)**

The United States Postal Service hereby files these objections to the following subparts of interrogatories of David Popkin, dated September 8, 1997:

DBP/USPS-6(h)-(l)

The Postal Service objects to parts (h) and (l) because they inquire into matters which are irrelevant to this proceeding. Questions asking whether the Postal Service plans to increase the current number of destinating sites for which External First-Class EXFC measurement are reported and what those plans might be, while interesting in and of themselves, are not relevant to any issues in this proceeding. Any plans (should they even exist) for tinkering with EXFC have no bearing on the issue of whether the Postal Service's costs estimates for First-Class Mail are reasonable or whether the pricing proposals are consistent with the statutory pricing criteria or other policies of the Postal Reorganization Act. The same is true of questions seeking to determine why the Postal Service might not have such plans.

DBP/USPS-6(j)-(m)

These questions ask the Postal Service to review every procedure by every post office which has been implemented to improve First-Class Mail service, enumerate all all such procedures, distinguish them on the basis of whether the postal facility involved is in an EXFC reporting destination service area, and then distinguish each procedure

on the basis of whether the procedure was “designed to improve EXFC results.” The Postal Service objects to these interrogatories because they impose a burden which greatly outweighs any probative value the responsive information could possibly have for any issue properly before the Commission in the instant proceeding. It is one thing to ask whether mail processing plants and post offices employ procedures to improve First-Class Mail service. Of course, they do. They did before EXFC; they will continue to do so, regardless of EXFC. It is quite another thing to expect the Postal Service to enumerate and describe every procedure every facility has employed since the advent of EXFC and to distinguish them on the basis of whether the managers who directed them did so without regard to consideration of the impact that improved operations might have on EXFC scores. In any event such information is irrelevant to the issues in this proceeding.

DBP/USPS-6(n)-(o)

The questions ask the Postal Service to determine whether, for any of the hundreds of thousands of collection boxes nationwide, there “are instances where the time shown on the collection box is deliberately made well before the actual collection time” and to enumerate each instance.

The Postal Service objects to these questions as unduly burdensome. Responding to them would require that the Postal Service check every post office and review the thousands of decisions establishing collection times for thousands of collection boxes -- to see if any collection box labels fit the description in the question.¹ Such a burden greatly outweighs any probative value the responsive information could possibly have for any issue properly before the Commission in the instant proceeding.

¹ Putting aside, for the moment, what might be meant by “well before.”

DBP/USPS-6(p)

This interrogatory requests that the Postal Service confirm that certain sections of the Postal Operations Manual (POM) say what they say.

The Postal Service objects to this interrogatory as an improper use of the discovery process. The question is not calculated to lead to the discovery of any admissible evidence. It does not seek clarification of the POM.

The Postal Service is not adverse to answering questions which seek clarification or the occasional question seeking confirmation of noncontroversial matter.² Taken alone, the occasional question seeking confirmation is not unduly burdensome. On the other hand, when an intervenor chooses to ask question after question after question seeking confirmation (as opposed to clarification) of the contents of documents provided by the Postal Service to that intervenor, then some measure of discipline needs to be imposed on that discovery practice. This is particularly so if the Postal Service is expected to respond in a timely fashion to discovery. It is an even more compelling consideration when there are more than 700 other questions propounded on the same day by that same intervenor.

DBP/USPS-6(r)-(s)

These interrogatories request that the Postal Service explain whether the occurrence of a hypothetical phenomenon described in part (n) "well before" Mr. Popkin expects it to occur would be consistent with postal policy.

The Postal Service objects to these interrogatories as fatally vague. The

² In doing so, the Postal Service often waives objections solely on the basis that the relative burdens of objecting or responding are about equal, regardless of whether the question is relevant or calculated to lead to the discovery of admissible evidence. When such questions are reflected very sparingly in the discovery practice of many intervenors, the burden is not undue. That is not the case here.

questions provides no clue as to what might be meant by the term “well before.” Under the circumstances, there is no way for the Postal Service to begin to answer them. But even if the phenomenon described in question 6(n) occurs somewhere, someplace in the postal system, the burden of seeking out evidence any such instances greatly outweighs any contribution such information could make to the resolution of any issues in this proceeding.

DBP/USPS-7(a)-(g)

The Postal Service objects to these interrogatories as seeking information irrelevant to the current proceeding. If Mr. Popkin wishes to conduct historical research on issues not relevant to this proceeding, he is free to do so. However, he should not be permitted to tie up the Postal Service’s rate litigation resources to aid in that effort. The Docket No. N89-1 First-Class Mail service realignment was litigated eight years ago. It is not relevant to the instant proceeding what the First-Class Mail service commitments may have been back then for the various 3-digit ZIP Code areas. It is not relevant to the instant case how those commitments compare to current commitments. Nor is it relevant how much First-Class Mail volume shifted among the 1-day, 2-day and 3-day service commitments as a result of Docket No. N89-1. The purposes of the realignment were spelled out in the record in that proceeding.³

³ That record will also guide Mr. Popkin to understand whether cost savings were a motivation for the service realignment. Since Docket No. R90-1, the Postal Service has made no effort to quantify that which did not motivate it to pursue the realignment. The record in Docket No. N89-1 addresses the issue of consistency, as an objective of the realignment. No studies seeking to quantify changes in consistency have been conducted since Docket No. R90-1. In any event, the Postal Service objects to the disclosure of any realignment cost or consistency analysis performed in connection with Docket Nos. N89-1 or R90-1, as such information would be so stale as to have no probative value on any issue in the instant proceeding.

DBP/USPS-7(h)-(k)

These questions seek an explanation of the realignment and any analyses of the impact of the realignment. The Postal Service objects to these questions as irrelevant and as imposing an undue burden which greatly outweighs any probative value of any responsive information to issues in the instant proceeding. Also, see footnote 3, below.

DBP/USPS-7(n)-(o)

These questions ask the Postal Service to explain whether it has or why it does not have a policy of regularly soliciting suggestions from the general public about changes in delivery standards they might desire. These questions request information about policies which are irrelevant to the issues in current proceeding.

DBP/USPS-8(a)-(d)

The Postal Service objects to these questions on the same ground that it objects to question 6(p). The Postal Service should not be unduly burdened with confirming that documents say what they say.

DBP/USPS-8(f)

The question is unduly vague. It provides no basis for assessing what is meant by "appropriateness" as a standard for evaluating the use of specific words in the DMCS. Different word smiths could quibble until eternity over the use of one word or another in the DMCS. There is no suggestion in the question that the current wording causes any intervenor or mailer any distress. If Mr. Popkin wishes to propose changes to the DMCS to reflect wording he believes to be "appropriate," he is free to do so and to explain the "appropriateness" of his proposed revisions. The Postal Service can then elect to respond to specific proposals (whether offered in testimony or in brief), but believes that it should not now be burdened with trying to decipher whether the current language is "appropriate," relative to some unspecified alternative.

DBP/USPS-8(g)

The current First-Class Mail and Priority Mail rate schedules filed in this proceeding provide responsive information. The Postal Service objects to being burdened with confirming the contents of documents which speak for themselves.

DBP/USPS-8(dd)-(ff)

These questions seek information about the elimination of Air Mail service twenty years ago. They ask for 20-year-old Postal Service press releases, directives and memoranda. The Postal Service considers such information irrelevant to issues in the current proceeding. Any probative value of any such information, should any be retrievable, is greatly outweighed by the effort it would take to search through the archives and historical files of departments at Headquarters which have experienced various reorganizations in twenty years. An analysis comparing the use of air transportation in 1977 vs. 1997 would not be relevant to the issues before the Commission in the instant proceeding. The burden of producing such an analysis, even assuming it to be possible, greatly outweighs any contribution such information could make to the resolution of any issues in this proceeding.

DBP/USPS-9(a)-(g)

In support of its Request, the Postal Service has filed a copy of the current First-Class Mail service standards in compliance with Rule 54(n). That document reflects the application of those standards to all First-Class Mail. It is unambiguous and requires no clarification. Accordingly, on the same basis that it has objected to DBP/USPS-6(p), the Postal Service considers it an undue burden to have to respond to seven separate interrogatories designed to elicit confirmation of that which is clear as day.

DBP/USPS-13(a)-(c)

These questions seek confirmation (not clarification) of current DMCS language.

The Postal Service objects to these questions for the same reasons that it objects to interrogatory 6(p).

DBP/USPS-13(f)-(g)

These interrogatories ask the Postal Service to confirm various postal rates and rate relationships going as far back as 1971. The Postal Service has filed a Library Reference in the proceeding (USPS-LR-H-187) which provides First-Class Mail, Air Mail, and Priority Mail rate histories. Mr. Popkin has been on notice of the existence of this Library Reference since his intervention. He is free to examine it, extract the particular information he seeks, develop the tabulations he desires, and perform and confirm the arithmetic calculations of his choosing. These questions are not calculated to lead to the discovery of admissible evidence. They seek to impose an undue burden on the Postal Service by asking it to perform information organization and analysis which Mr. Popkin is fully capable of performing.

DBP/USPS-14

The Postal Service objects to having to answer this question because it defies interpretation.

DBP/USPS-16

This interrogatory consists of 29 enumerated questions related exclusively to pricing of philatelic products, a matter beyond the scope of the Commission's jurisdiction. Accordingly, the interrogatory seeks information at a level of detail which is irrelevant to the issues in this proceeding.

In addition, part **(m)** is objectionable because it is insufficiently clear to permit a response. Parts **(n)**, **(r)** and **(u)-(x)**, and **(bb)** are also objectionable because they call for legal conclusions. Parts **(o)-(q)** seek confirmation that certain monetary amounts bear certain quantitative relations to one another. They are also objectionable on the same basis as DBP/USPS-6(p). Part **(aa)** seeks to impose an undue burden by

requesting information concerning the issuance and pricing and configuration and volume of all philatelic cards sold since 1971.

DBP/USPS-52(b) and (f)

Simply put, these questions are not sufficiently clear to permit a response.

DBP/USPS-52(c)-(e) and (g)-(l)

These questions request confirmation of DMCS and DMM provisions. Since the questions do not seek clarification of any specific provisions, the Postal Service believes that it should not be burdened with confirming that either the DMCS or the DMM say what they say. See the objection to DBP/USPS-6(p).

DBP/USPS-52(j)

This question asks the Postal Service to provide a table comparing each separate rate category by which postcards may be mailed as First-Class Mail or Standard Mail.

Mr. Popkin has both a Domestic Mail Classification Schedule and a Domestic Mail Manual. He has all the information necessary to construct the table he desires. Construction of such a table does not depend upon resources unique to the Postal Service. The question does not seek the revelation of potentially admissible evidence; it seeks to have the Postal Service assume the burden of sparing Mr. Popkin the chore the chore of reorganizing the information he possesses in a format he prefers. It is an unduly burdensome request.

DBP/USPS-52(l)

This question is objectionable because it calls for speculation about what a "knowledgeable mailer" might choose to do in response to various rate and classification options.

DBP/USPS-59(a)-(b)

The Postal Service objects to these questions. They seek confirmation of the record evidence in Docket No. MC97-4. Mr. Popkin was an active participant in that recently concluded proceeding. The record speaks for itself. Mr. Popkin is free to designate materials from previous proceedings in the record of this case in accordance with the Commission's rules.

DBP/USPS-59(c)

The Postal Service objects to this question because it calls for speculation about a potential classification/rate proposal which has not been offered in this proceeding and which has not been clearly enough defined to permit analysis or a meaningful response. If and when such a proposal is offered, the Postal Service will analyze it and elect whether to respond through discovery, cross-examination, rebuttal or briefs.

DBP/USPS-59(d)-(g)

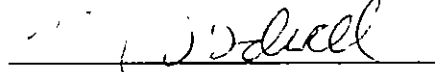
The Postal Service objects to these interrogatories to the extent that they request that it perform a cost study which measures the costs of single-piece Standard (A) Mail parcels weighing between 6 and 16 ounces. In essence, the request is a revival of a discovery request made in the recently concluded Docket No. MC97-4 proceeding. Mr. Popkin's motion to compel similar information was denied in that proceeding. No such study has been performed for these weight increments of a subclass which the Postal Service has proposed be eliminated in Docket No. R97-1. It would be unduly burdensome now for the Postal Service to be required to produce such a study.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Michael T. Tidwell

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
September 25, 1997

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



Michael T. Tidwell

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
September 25, 1997