

# DOCKET SECTION

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

RECEIVED

SEP 26 10 25 AM '97

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes, 1997 )

Docket No. R97-1

OFFICE OF THE CONSUMER ADVOCATE MOTION TO  
COMPEL RESPONSES TO INTERROGATORIES OCA/USPS-T5-34-36  
TO UNITED STATES POSTAL SERVICE WITNESS ALEXANDROVICH  
(September 26, 1997)

The Office of the Consumer Advocate ("OCA") files this Motion to Compel in response to the United States Postal Service Objection to Interrogatories OCA/USPS-T5-34-36, filed September 22, 1997.<sup>1</sup> The text of the interrogatories in question is as follows:

OCA/USPS-T5-34. Please refer to library reference H-1, Table A-1.

- a. Please break down the numbers appearing in the "TOTAL" row by CAG. If this breakdown is not available, please explain.
- b. For each accrued cost in Table A-1, please provide a breakdown by CAG. If this breakdown is not available, please explain. Please provide this information as an Excel spreadsheet file.

OCA/USPS-T5-35. Please refer to library reference H-1, Table A-2.

- a. Please break down each "SEGMENT TOTAL" by CAG. If this breakdown is not available, please explain.
- b. For each number appearing in the column "Accrued Costs," please provide a breakdown by CAG. If this breakdown is not available, please explain. Please provide this information as an Excel spreadsheet file.

---

<sup>1</sup> This is the first of two motions to compel planned by OCA as a response to the Postal Service's September 22 objections. Our response to the objections was divided between two pleadings because two distinct types of information are sought by interrogatories 30-32 and 34-36, respectively.

OCA/USPS-T5-36. Please refer to library reference H-1, pages x-xvii.

- a. Please provide each of these tables for the base year.
- b. Please provide the Table 1 accrued cost by CAG for the base year.
- c. Please provide the Table 3 accrued cost by CAG for the base year.
- d. Please identify any accrued cost changes between FY 1996 and BY 1996 for Table 1. Please explain the reasons for any such changes in accrued cost between the FY 1996 and BY 1996 figures.
- e. Please identify any accrued cost changes between FY 1996 and BY 1996 for Table 3. Please explain the reasons for any such changes in accrued cost between the FY 1996 and BY 1996 figures.

The Postal Service sets forth several grounds for objecting to provision of the information sought in interrogatories 34-36. The first is that OCA's "desire" for the information is "unexplained." The lack of an explanation is easily remedied—the explanation is provided forthwith—OCA needs cost component and cost segment information broken out by CAG because it is essential to the direct case that we are now preparing.

The second ground is an allegation of undue burden in producing the requested information. The Postal Service complains that "1,000 to 2,000 account numbers" must be sorted and summed. However, the number of accounts to be sorted is irrelevant, because no additional computer programmer time is consumed as a result of largeness in the number of accounts that must be sorted. Staff time is expended writing the program that will sort the accounts and yield the particular report of interest to OCA. The programming exercise reflects the complexity of instructions for generating the report, not the amount of data to be sorted.

The third ground is obscure—OCA's "plans" are said to "intrude on the Postal Service's authority to maintain and manage its books as it deems proper." OCA, of

course, is doing no such thing in asking that the Postal Service generate a report for use in the presentation of OCA's direct case. The Postal Service does, has, and will "manage its books" exactly as it pleases.

The Postal Service's chief reason for not producing the requested report appears to be the workload in the accounting section that arises at the end of each fiscal year: "[T]he Postal Service is not arguing that production of the reports, standing alone, would be unduly burdensome . . . ." Rather, the real quandary is that OCA's request comes "at the end of the fiscal year, which is the heaviest work period . . . for accounting." Certainly we sympathize with the Service's need to continue to meet its non-case workload. However, OCA and the Commission are subject to statutory constraints that are beyond our control. OCA's most pressing deadline at the present time is the November 17 cutoff for completion and submission of our case-in-chief.

P.O. Ruling R97-1/4, August 1, 1997, set forth the final hearing schedule for this case. There was no ambiguity in the date—September 17—that closed the discovery period for the Postal Service's direct case. Following publication of the hearing schedule, it was incumbent on the Postal Service to inform the Commission if any non-rate case duties would prevent it from fulfilling its procedural obligations. However, until the September 22 objections were filed, the Postal Service had never disclosed that it would be unable to satisfy otherwise reasonable requests for production of information if such requests came at the end of the fiscal year.

One should not lose sight of the fact that the end-of-the-fiscal-year dilemma arises from the date the Postal Service elected to file Docket No. R97-1—July 10. The timing was a matter wholly within the control of the Service. The scheduling of

subsequent procedural events (such as completion of the discovery period and the filing of participants' cases-in-chief) was measured from that starting point and follows a very traditional chronology.

One way to ease the Postal Service's difficulty is to push back deadlines already on the calendar (say, for a month), so that the cases-in-chief of the participants would be due December 17, instead of November 17. In like manner, all other dates in the procedural schedule would be pushed back a month. In fairness to the Commission, its decision would have been issued a month later than the statutory deadline. Rescheduling in this manner need not issue from rancorous discussion, but could result from an amicable agreement among the Postal Service and other participants.<sup>2</sup> Even without Postal Service support, the Commission might have grounds to impose a §3624(c)(2) order if the Postal Service is unable to fulfill legitimate requests for information due to the end-of-the-year "crunch."


The Postal Service's refusal to provide the information sought in interrogatories 34-36 is contrary to long-standing Commission policies favoring the provision of information to participants who require it to prepare their own cases-in-chief, particularly when the information in dispute is solely within the control of the Postal Service. OCA cannot possibly generate the breakdown by CAG sought in the disputed interrogatories, nor has the Postal Service alleged that we possess that capability.

---

<sup>2</sup> OCA believes that most participants in the instant proceeding would not voice opposition to a month-long extension of the case since, after all, this means a slight postponement in paying higher rates.

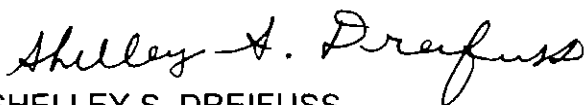
In view of OCA's pressing need for the information requested in interrogatories 34-36 for the development of our direct case, balanced against the relative ease with which the Postal Service can generate the requested reports from data solely within its control, we ask the Presiding Officer to direct the Postal Service to furnish the information sought by interrogatories 34-36.

Respectfully submitted,

  
SHELLEY S. DREIFUSS  
Attorney

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.

  
SHELLEY S. DREIFUSS  
Attorney

Washington, D.C. 20268-0001  
September 26, 1997