

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

POSTAL RATE AND FEE CHANGES
PURSUANT TO PUBLIC LAW 108-18

Docket No. R2005-1

REQUEST OF THE UNITED STATES POSTAL SERVICE
FOR RULING TO CLARIFY THE PRACTICE OF DESIGNATING PARTS OF
INTERROGATORIES
(June 27, 2005)

It has come to the attention of the Postal Service that at least one party is designating portions of witness responses to interrogatories, and omitting other portions of the same response. The Postal Service seeks a clarification of whether this practice is allowed. The Postal Service submits that it should not be allowed, as the orderly compilation of the record would become unduly complicated if different parts of the same question appeared in different places of the transcript. While this would not occur if only the originally designated parts were submitted, with respect to its own witnesses, the Postal Service would expect as a matter of course to counterdesignate the entire response if a party attempts to omit a part of the response. Therefore, allowing partial designations (at least to postal witnesses) would not be productive, and would only lead to a more confusing record, and a more confusing process in the hearing room when the Presiding Officer poses to witnesses the question regarding the packet of designated responses. (For example, if a response has three parts, a-c, and one party designates a-c, but another designates a and c and omits b, and the Docket Room includes in the packet the version from the second party in which b is omitted, the intent of the first party to designate the entire response will be frustrated.) Furthermore, the

Postal Service's witnesses may feel the need to repeat portions of the response in multiple parts if they wish to protect against omission of the point they are trying to make, leading to answers in which the same point would be redundantly stated in more than one part.

Conversely, if it is the intent of the Commission to allow some portions of the response to be designated and other parts to be omitted, the Rule 26(b) should be changed to require that each *part* of an interrogatory start on a separate page, rather than each interrogatory start on a separate page.

The Postal Service respectfully requests a ruling which clarifies if the practice of omitting a portion of a designated response is to be permitted and, if so, exactly what procedures will need to be followed in the hearing room in order to deal with the consequences of such a practice.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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June 27, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

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