

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

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**Evolutionary Network Development  
Service Changes, 2006**

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**Docket No. N2006-1**

**MOTION OF AMERICAN POSTAL WORKERS UNION, AFL-CD,  
TO EXTEND DISCOVERY  
(June 16, 2006)**

The American Postal Workers Union, AFL-CIO (APWU), hereby respectfully moves the Postal Rate Commission to extend discovery on the United States Postal Service's direct case.

The need for an extension of the discovery period in this proceeding is manifest. Discovery of the Postal Service's direct case is incomplete in at least the following respects:

- The Postal Service has failed to produce documents and other evidence it had promised to produce no later than June 5, 2006;
- The Postal Service has failed to provide answers to interrogatories despite the fact that the Commission has ordered that an answer be provided;
- Pending discovery requests for which answers are overdue under the Commission's Rules have not been answered by the Postal Service;

Any one of these problems would be sufficient to require an extension of the discovery period in this proceeding.

On May 17, 2006, the APWU filed a Motion to Extend Discovery citing numerous outstanding discovery requests. Specifically, the APWU asserted that the Postal Service had not produced documents or other evidence detailing its public input solicitation and evaluation process nor its RDC planning and communications documents. By order dated May 19, 2006, the Commission granted the APWU's motion in part. The Commission noted the inherent relevance of this information and stated that it should be provided "as soon as possible." (Presiding Officer's Ruling No. N2006-1/12, p. 2.) The Commission also ordered the Postal Service to provide a status report detailing when all outstanding discovery requests would be answered. (Id.) On May 25, 2006 The Postal Service filed a notice in compliance with this ruling and stated that all outstanding discovery requests, including documents regarding the public input process and RDC development and activation, would be provided no later than June 5, 2006. Given this assurance, the Commission ordered that June 16, 2006 be the new deadline for discovery.

The deadline for discovery is now here, yet the Postal Service has failed to fully satisfy its discovery obligations as promised, thus discovery should once again be extended until 30 days after the Postal Service provides material responsive to all outstanding discovery. Specifically, the Postal Service has not provided the Public Input Summary sheet or documents detailing the process for soliciting public input as promised. The Postal Service has also failed to produce

the requested RDC planning documents and RDC Activation Communications Plan.

The communication documents and procedures that are currently under development are of high intrinsic value and must be produced and evaluated in this proceeding as soon as they are available. Presiding Officer's Ruling No. 7 recognized the

critical significance of communications in implementing [the Postal Service's] intended network reconfiguration. Without an effective and responsive program of public information and dialogue, the various interests of stakeholders in the postal system are not likely to be well served.

P.O. Ruling No. 7, p. 11, May 5, 2006. Therefore, discovery should be extended until such time as the documents and plans are produced and participants have been given a reasonable opportunity to examine them and file additional interrogatories.

Also, in response to Interrogatory APWU/USPS T1-21, the Postal Service stated that "an RDC planning concept document which blends the principles of AMP with facility planning concepts is being developed" and indicated that an "RDC Activation Communication Plan" is also under development. Evaluation of these documents and plans are necessary given that "[t]he initial objective of the Postal Service's END strategy is to build a 'backbone' network infrastructure of Regional Distribution Centers (RDCs)" enabling the "Postal Service to maintain stability in its network as it embarks on further implementation of its network strategy." (Shah Testimony p. 11, lines 3-6.)

Given the obvious significance of the RDCs in the Postal Service's network realignment, which is undisputed by the Postal Service<sup>1</sup>, it is imperative the Commission and participants be given an opportunity to examine this area of the plan thoroughly. If not, the Commission and participants will be placed in the untenable position of responding to and advising on a plan without knowing the substance of the "backbone" of realignment.

In addition, the Postal Service has not responded to the Presiding Officer's Information Request 2, Question 6; Presiding Officer's Information Request 4, Question 7; and numerous interrogatories from other participants, including, but not limited to, OCA/USPS-T1-21, filed on April 5, 2006; OCA/USPS-34, filed on May 8, 2006; DBP/USPS-T1-9, filed on March 24, 2006 and DBP/USPS-75 filed on April 24, 2006.

The Postal Service, without explanation, has failed to meet its own deadline for producing these documents and other responsive material. Given the obvious import of this information, these proceedings should not move forward until such time as the Postal Service produces the requested information. Therefore, discovery should be extended.

Moreover, the Postal Service has yet to produce information responsive to APWU/USPS-T1-9, even though it was compelled to do so by the Commission almost a month ago. (Presiding Officer's Ruling No. N2006-1/9, May 18, 2006.) This interrogatory requested specific information regarding each of the 346 mail processing facilities identified in response to Interrogatory DBP/USPS-14, including

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<sup>1</sup> See United States Postal Service's Responses to OCA/USPS T1-25 and OCA/USPS-40.

each facility's size; whether it has operations on one floor or multiple floors; the types of mail processing operations and equipment associated with each facility; and the monthly average volume of mail processed by type for the most recent 12-month period. (APWU/USPS-T1-9 (a – d, f).)

The APWU originally requested this information on February 17, 2006, However, the Postal Service objected to this request, alleging that it was not relevant to the current proceedings. (Objections of the USPS to APWU Interrogatory APWU/USPS-T1-9, February 23, 2006.) As a result, on February 28, 2006 the APWU filed a Motion to Compel a Response, arguing that this information was not only relevant it was necessary for a full understanding of the END process. (APWU Motion to Compel Responses to Interrogatory T1-9, February 28, 2006.)

The Commission agreed that this information was relevant and granted the APWU's Motion in its entirety. (Presiding Officer's Ruling No. N2006-1/9, p. 4.) In its Order granting the APWU's Motion, the Commission noted that the information sought by this interrogatory

would provide a clearer picture of the current network, and thereby enable an improved understanding of the criteria used in the network realignment process. Further, detailed knowledge of this network "baseline" could provide a more complete background against which to assess the impact of potential reconfigurations. Consequently, the availability of these facts would enable participants to formulate better-informed comments on the potential impact of the Service's END proposal on the nature of postal services.

(Presiding Officer's Ruling No. N2006-1/9, p. 5.) In light of the fact that the Postal Service has yet to fully enunciate the END process, the relevance and value of this information is even greater today.

For the foregoing reasons, the American Postal Workers Union, AFL-CIO, respectfully requests that this Commission extend discovery on the Postal Service's direct case until such time as the Postal Service has responded to all pending discovery requests and has provided the postal documents and plans still under development, and the parties to this proceeding have been given a reasonable opportunity to examine them and serve additional discovery after that examination.

Respectfully submitted,

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