

DOCKET SECTION

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 OFFICE OF THE CONSUMER ADVOCATE INTERROGATORIES
OCA/USPS-T40-35 (IN PART) AND 36 TO WITNESS PLUNKETT
(OCTOBER 6, 1997)

The United States Postal Service hereby objects to the Office of the Consumer Advocate's interrogatories OCA/USPS-T40-35 (in part) and OCA/USPS-T40-36, filed on September 25, 1997. Interrogatory OCA/USPS-T40-35 is a follow-up to witness Plunkett's responses to OCA/USPS-T40-14 and 15, in which witness Plunkett stated that he is not aware of any regulation of the Postal Service's insurance business by a state insurance commission, nor any federal agency actively regulating the advertising or marketing of insurance by the Postal Service. Interrogatory OCA/USPS-T40-35 asks witness Plunkett to "confirm that the insurance business of the Postal Service is not regulated by any state or federal agency." Witness Plunkett will respond with respect to his awareness of any such regulation. The Postal Service objects to the extent the OCA is requesting witness Plunkett to determine if any state or federal agencies have the authority to regulate the Postal Service's insurance business. Such a request would require witness Plunkett to conduct legal research that is the responsibility of the OCA to conduct itself. Moreover, the Postal Service objects on grounds of burden should the OCA expect witness Plunkett to make a thorough review of whether any state or federal agencies have tried to regulate the Postal Service's insurance business, or believe they have authority to regulate the Postal Service. Such an undertaking could take days, which is not justified given the limited

relevance of such information to the Postal Service's insurance fee and classification proposals in this docket.

Interrogatory OCA/USPS-T40-36 purports to follow up witness Plunkett's responses to OCA/USPS-T40-18 and 21^{1/}, in which witness Plunkett said he is advised that the Postal Service defends against mailers' claims for loss or damage to the contents of mail matter for which postal insurance is not elected, that he is not aware of any particular lawsuits, but that the Postal Service does defend against such claim under an exception to the waiver of sovereign immunity in the Tort Claims Act. The OCA now asks for "all public court documents that consist of complaints, answers, and judicial decisions that reach the final merits of any court actions, that are dated on or after January 1, 1992, and that relate to insurance claims brought by uninsured mailers against the Postal Service." This interrogatory asks for "public court documents" that are already available to the OCA from the courts. The Postal Service should not have to undertake the substantial burden of locating and copying all these documents for the OCA. Witness Plunkett is not in possession of any such documents, nor are the requested documents already collected by Postal Service attorneys. In fact, any court actions involving claims for loss or damage to uninsured mailers typically would be defended by U.S. Attorneys, rather than Postal Service attorneys.^{2/} Thus, responding to the interrogatory could take tens of hours to locate such documents from U.S. Attorneys, or from local, state, and federal courts, all over

¹ The interrogatory refers to OCA/USPS-T40-18 and 19, but the Postal Service is assuming that the OCA intended to refer to OCA/USPS-T40-18 and 21, since the Postal Service has objected to, rather than responded to, OCA/USPS-T40-19, and the response to OCA/USPS-T40-21, like OCA/USPS-T40-18 and 36, refers to uninsured mailers' claims against the Postal Service.

² Thus, the documents might not necessarily state the perspective of the Postal Service itself, which is what the OCA seems to be interested in.

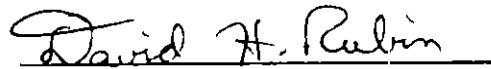
the country. The Postal Service therefore objects on grounds of burden, and because the Postal Service should not be required to conduct the OCA's legal research to identify and obtain the requested materials.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

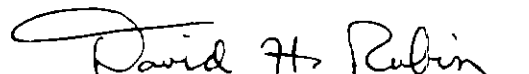
Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



David H. Rubin

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.



David H. Rubin

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2986; Fax -5402
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