

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

**REPLY OF THE UNITED STATES POSTAL SERVICE
TO DOUGLAS CARLSON MOTION TO COMPEL A RESPONSE TO DFC/USPS-4
(October 15, 1997)**

The United States Postal Service hereby replies to the September 29, 1997, motion of Douglas Carlson to compel a response to interrogatory DFC/USPS-4.

This interrogatory asks the Postal Service to review every rate or fee approved by the Governors since postal reorganization and to identify those which reflected a cost coverage in excess of either 275 percent or 300 percent. The Postal Service objected to the interrogatory on September 26, 1997, indicating that it sought to impose an undue burden which is well out of proportion to any value such information could have to these proceedings.

This interrogatory raises the question of the extent to which the Postal Service should be compelled to conduct historical research for parties who have unfettered access to the information they seek, but who wish to avoid the tedium of actually having to physically identify for themselves the specific information they seek from the records to which they have access.

Presumably, the information sought by Mr. Carlson can be obtained from a review of the dozens of Commission's recommended decisions and related decisions of the Governors, all of which are publicly available documents.

Mr. Carlson's interrogatory does not seek information to which, by virtue of his California domicile, he has had no access to. Mr. Carlson has participated fully in the

instant proceeding and has had complete access to these documents during the time that he was in Washington, D.C., to cross-examine Postal Service witnesses. He was afforded space and resources by the Office of the Consumer Advocate during the course of his participation in last week's hearings, meaning that he spent a considerable amount of time last week at 1333 H Street, N.W. During that time he had access to all publicly available documents of the Commission, including all recommended decisions. During that same time, he had access to all the decisions of the Governors. How Mr. Carlson chose to spend his time at the Commission or in Washington, D.C., is his business. However, if he fails to reasonably take advantage of that time to meet his litigation needs, the consequences of that failure should not be visited upon the Postal Service or any other party to these proceedings.

Responding to DFC/USPS-4 would require that the Postal Service review all of the Commission's recommended decisions and Governors decisions. It is estimated that the Postal Service would have to commit at least one full work day by one of its employees to perform this task. To what end? To determine if there has ever been a recommendation of or approval of a cost coverage which exceeds 275 or 300 percent. This is work Mr. Carlson could have performed, but chose not to perform while he was in Washington, D.C.

The question of whether the cost coverage proposed by the Postal Service for any subclass or special service complies with the policies of the Postal Reorganization Act should be judged on the basis of the record in this proceeding. Whether a particular cost coverage complies with the Act is not affected by whether it is the highest or lowest in postal ratemaking history -- or second or fifth highest or lowest. Postal ratemaking involves a balancing of pricing criteria delineated in section 3622(b), and is not governed by simplistic comparisons of whether a Docket No. R97-1 cost

coverage for subclass X is higher or lower than the Docket No. MC76-3 cost coverage of special service Y. Because the requested information is not probative on the question of whether any proposed Docket No. R97-1 cost coverage complies with the Act, the burden of retrieving the information greatly outweighs its value to this proceeding. Accordingly, the Postal Service should not be required to assume the burden the interrogatory seeks to impose.

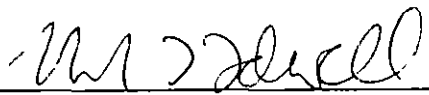
Litigation in Commission proceedings requires each participant to assume some burden and some responsibility. The Postal Service fully respects its obligation to provide information relevant to the issues in this proceeding. However, even it does not have unlimited resources. Under the circumstances of this case, where the requesting intervenor has had access to the requested historical records, but merely seeks to avoid the tedium of isolating the specific data on which he hopes to base his historical analysis, the Postal Service believes that it should not be required to provide a research assistant to perform work that intervenor would prefer to avoid.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

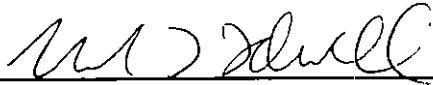
Daniel J. Foucheaux, Jr.
Chief Counsel, Rate making



Michael T. Tidwell

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.

A handwritten signature in black ink, appearing to read "Michael T. Tidwell", is written over a horizontal line.

Michael T. Tidwell

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