

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

OBJECTIONS OF UNITED STATES POSTAL SERVICE TO INTERROGATORIES 1-16 OF ALLIANCE OF NONPROFIT MAILERS (November 4, 1997)

On November 3, 1997, the Alliance of Nonprofit Mailers (ANM) filed sixteen interrogatories directed to the Postal Service.¹ In general, the interrogatories consist of a series of questions relating to "each Library Reference that the Postal Service has sponsored into evidence, or expects to sponsor into evidence." The interrogatories appear to be based upon ANM's understanding of the requirements of the Commission's filing rules. Most of the questions seem to be intended to require the Postal Service to reiterate, in exacting detail, how particular filing requirements have been met.² Some of

¹ Presumably, these interrogatories were filed pursuant to Commission Order No. 1200, which allowed a limited extension of discovery related to materials identified in the United States Postal Service Response to Presiding Officer's Ruling No. R97-1/42. That order states that the Postal Service "should endeavor to prepare and submit responses within seven days," but does not specify a timeline for objections. The Postal Service therefore has prepared and filed its objections with the greatest expedition possible.

² Although ANM has made no effort to identify particular library references at issue, to cite specific Commission rules, or to lay any foundation showing that each such library reference is subject to the requirements in question, it is clear from their wording that the specific requests made in the interrogatories are based upon Commission rules, such as Rule 31, and that ANM considers the requirements set out in the rules to have some relation to "each Library Reference that the Postal Service has sponsored into evidence, or expects to sponsor into evidence."

the interrogatories, however, go well beyond any reasonable interpretation of the Commission's rules, seeking a high degree of detailed information regarding the internal processes which led to the creation of such library references.

The Postal Service hereby objects to these interrogatories, on a variety of grounds. The first ground is a general one, having to do with the propriety of the approach being taken by ANM in its ongoing attack on the Postal Service's designation of certain materials as library references and its efforts to delay the issuance of a recommended decision in this case. It is clear that ANM has not identified any defects in the documentation provided by the Postal Service in this case, and is now seeking, by casting the largest of all possible nets, to engage on a fishing expedition aimed at making the Postal Service compare the minutest aspects of its documentation against the most expansive of documentation standards. Thus, instead of asking specific questions directed at particular library references, based upon knowledge of those library references and of the actual demands of the Commission's rules, ANM has chosen to fire off an array of extensive, yet broadly focussed questions based on the following premises:

1. That certain broad categories of information being requested are pertinent to each of the unspecified library references at issue.
2. That the broad categories of information requested are relevant to the issues in this case and are likely to lead to the production of admissible evidence.
3. That such information has not already been provided in the extensive documentation and interrogatory responses already filed by the Postal Service.
4. That regardless of whatever information previously has been provided, the Postal Service must undertake the burdensome task of locating and providing, as interrogatory responses, the broad categories of information sought, for each such library reference.

In most instances, if not all, these premises are false. It is apparent that ANM has not undertaken even a cursory analysis of the specific library references in question to determine what information has been provided, to see if they fall within particular provisions of the Commission's rules, to analyze whether the actual requirements of those provisions have been met, or to identify any specific ways in which the provided documentation is allegedly lacking. Such an approach is antithetical to the development of an orderly record in this proceeding, and, at very little cost to ANM, seeks to shift to the Postal Service ANM's responsibility to perform some review of the extensive documentation provided many months ago. Such a shift in burden is unreasonable and unjust, especially given the fact that ANM has had months in which to gain familiarity with the documents at issue and to develop more focussed interrogatories. The Postal Service has been given 7 days to respond to interrogatories such as these. The Postal Service estimates that it would take 20 days to respond to the 16 interrogatories now propounded by ANM. It would surely better advance this proceeding if ANM finally were to devote some time to reviewing the materials in question, and direct more narrowly focussed, relevant, and productive lines of inquiry.

Furthermore, a number of the questions directed by ANM solicit detailed information regarding a detailed chain of authorization, authorship, consultation, completion, approval and receipt of many studies and analyses, regardless of how tenuous their connection to the Postal Service's proposals, regardless of whether preliminary or final, and including identification of persons, exact dates on which events took place, where they took place, on what machine, and the like. Such requests for information are clearly overbroad, not reasonably calculated to lead to the production of admissible evidence, and compound the already unduly burdensome nature of ANM's requests.

The Postal Service might have attempted to answer the ANM inquiries by directing ANM generally to the library references, testimony, exhibits and workpapers of its witnesses, for there is where most of the answers to ANM's questions lie. But such a procedure would still consume enormous resources, without any meaningful contribution to the record, and seems unlikely to lead to a final resolution of ANM's interrogatories. The Postal Service therefore believes that it has no alternative but to quickly file specific objections to the form and substance of the ANM interrogatories.

The Postal Service therefor lodges the following specific objections:

ANM/USPS-1: This interrogatory requests, for each library reference, a detailed description of the methods used in collecting and summarizing the data in or relied upon by the library reference, the identity of each person who collected or summarized the data, and when and where the data were collected and summarized. This interrogatory is not reasonably calculated to lead to the production of admissible evidence because it proceeds from the false premise that the items sought pertain to each library reference, is overbroad and requests irrelevant information. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate documentation already provided. It would also impose an undue burden to the extent that it would require identification of every data collector, and every time and place involved in the Postal Service's ongoing data collection systems, such as IOCS, CCS, etc., identification which is clearly unneeded for purposes of this proceeding and would be of little or no probative value.

ANM/USPS-2: This interrogatory requests, for each library reference, summaries of

sample data, allocation factors, and other data contained in or relied upon. This interrogatory is not reasonably calculated to lead to the production of admissible evidence because it proceeds from the false premise that each of the Library references in question involve sample data or allocation factors, is overbroad and requests irrelevant information. The interrogatory is also unreasonably vague and impossible to answer specifically insofar as it does not specify the type of data summarization sought, what is meant by "allocation factors", or even what is thought to have been allocated. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate documentation already provided.

ANM/USPS-3: This interrogatory requests, for each library reference, a description of the "expansion ratios" used in each and a description of the methods employed to expand the data, the reason for expanding the data, when and where the data were expanded, and the identities of the persons who expanded the data. This interrogatory is not reasonably calculated to lead to the production of admissible evidence because it proceeds from the false premise that each library reference involves data expansion or is otherwise pertinent to the information sought, is overbroad and requests irrelevant or immaterial information. The interrogatory is also unreasonably vague and impossible to answer insofar as it does not specify what is meant by "expansion ratios." It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate documentation already provided.

ANM/USPS-4: This interrogatory requests, for each library reference, identification

of each special study used to modify, expand, project or audit routinely collected data used in or relied upon, the goals and objectives of the special study, the identity of all persons proposing, authorizing, or consulted regarding it, the dates on which it was decided to conduct the special study, completion dates, report issuance dates, study results and report recipients. This interrogatory is not reasonably calculated to lead to the production of admissible evidence because it proceeds from the false premise that the information sought is pertinent to each library reference, is overbroad and requests irrelevant or immaterial information. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate documentation already provided.

ANM/USPS-5: This interrogatory requests, for each library reference, a statement whether the library reference "involves, includes, or relies upon" one or more statistical studies, computer analyses, computer simulation models or other studies or analyses, and what types are associated with each library reference. This interrogatory is not reasonably calculated to lead to the production of admissible evidence. It also is overbroad and requests irrelevant or immaterial information. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate documentation already provided.

ANM/USPS-6: This interrogatory requests, for each study and analysis identified in response to question 5, the study plan for each, all relevant assumptions or a statement regarding where such information may be found. This interrogatory is not reasonably calculated to lead to the production of admissible evidence. It is also overbroad in that it

would require the production of a large amount of information for particular studies, regardless of how tenuous the connection to the Postal Service's proposals. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-7: This interrogatory requests, for each study and analysis identified in response to question 5, a description of the techniques of data collection, estimation and/or testing, or a statement regarding where such information may be found. This interrogatory is not reasonably calculated to lead to the production of admissible evidence. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-8: This interrogatory requests, for each study and analysis identified in response to question 5, identification of persons who originally proposed the study or analysis, the dates proposed and approved, the person authorizing or approving, persons primarily responsible for conducting each, the persons who prepared and submitted results, the date completed, the date reported, the persons to whom reported, and each person to whom interim or preliminary results or reports were submitted. This interrogatory is not reasonably calculated to lead to the production of admissible evidence. It is overbroad and requests irrelevant or immaterial information. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to attempt to trace minute details of the history of the development of each study, regardless of how tenuous its connection to the Postal Service's proposals, and

would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-9: This interrogatory requests, for each study and analysis identified in response to question 5, copies of all forms used to collect, record, summarize or report data or results, and all instructions and training materials provided to persons actually engaged in collecting, processing, summarizing or reporting any data used in each. This interrogatory is not reasonably calculated to lead to the production of admissible evidence because it proceeds from the false premise that the information sought is pertinent to each such study, is overbroad in that it would require extensive documentation of studies regardless of how tenuous the study's connection to the Postal Service's proposals, and requests irrelevant or immaterial information. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-10: This interrogatory requests, for each study and analysis identified in response to question 5, a statement of the facts and judgements upon which conclusions are based. This interrogatory is not reasonably calculated to lead to the production of admissible evidence to the extent that, being overbroad, it would require extensive documentation of studies regardless of how tenuous each study's connection to the Postal Service's proposals, or how irrelevant or immaterial the information sought. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and reiterate information already provided.

ANM/USPS-11: This interrogatory requests, for each study and analysis identified in response to question 5, a detailed statement of "the alternative courses of action that were considered." This interrogatory is not reasonably calculated to lead to the production of admissible evidence to the extent that, being overbroad, it would require extensive documentation of studies regardless of how tenuous each study's connection to the Postal Service's proposals or how irrelevant or immaterial the information sought. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-12: This interrogatory requests, for all statistical studies identified in response to question 5, comprehensive descriptions of procedures undertaken, including for data collection, the formula used for statistical estimates, the standard errors for each component estimated, the test statistics and a description thereof as well as all related computations and final results for each study, and the "source of all data or information used by document, page, line, column, etc." This interrogatory is not reasonably calculated to lead to the production of admissible evidence to the extent that, being overbroad, it would require extensive documentation of studies regardless of how tenuous each study's connection to the Postal Service's proposals or how irrelevant or immaterial the information sought. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-13: This interrogatory requests, for each study and analysis identified in response to question 5, which "involves, includes, or relies upon sample surveys," that

the Postal Service identify "by document, page, line and or column" where one can find a clear description of the survey design, the sampling frame and units, and the validity and confidence limits placed on the major estimates, as well as an explanation of the sample selection method, and a description of the characteristics measured or counted. This interrogatory is not reasonably calculated to lead to the production of admissible evidence to the extent that, being overbroad, it would require extensive documentation of studies regardless of how tenuous each study's connection to the Postal Service's proposals or how irrelevant or immaterial the information sought. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-14: This interrogatory requests, for each study and analysis identified in response to question 5, which involves, includes, or relies upon econometric studies, a presentation of the economic theory underlying the study, a complete description of the econometric models and the reasons for each major assumption and specification, the definition of variables selected and their justification for selection, a statement of the reasons for rejecting any alternative model whose computed econometric results influenced the choice of preferred model, an identification of any differences between the rejected alternative and the preferred model, a detailed description in a text, manual, or technical journal for every econometric technique used, and the reasons for selecting the technique or a description and analysis of the technique that is sufficient for a technical evaluation, a summary description of and source citations for all input and a complete listing of all data, a complete description of any alterations or transformations made to the data as received from the original sources, and the reasons for all such alterations

and transformations, and a complete report of the econometric results. This interrogatory is not reasonably calculated to lead to the production of admissible evidence to the extent that, being overbroad, it would require extensive documentation of studies regardless of how tenuous each study's connection to the Postal Service's proposals or how irrelevant or immaterial the information sought. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-15: This interrogatory requests, for all computer analyses identified in response to question 5, a general description of the program, the processing tasks performed, the methods and procedures employed, a listing of the input and output data together with designations of all sources of such data, "including citations to the document from which the data were taken (and citations to specific pages, lines, columns and cells in multi-page, multi-line, multi-column and multi-cell documents, respectively,)" software documentation, an explanation of each modification to data for use in the program, definitions of all input and output variables or sets of variables, a description of input and output file organization and the source codes, and the person who selected or recommended the use of the analysis, and the dates, places, and machine where the analyses were run, and the persons who ran them. This interrogatory is not reasonably calculated to lead to the production of admissible evidence to the extent that, being overbroad, it would require extensive documentation of studies regardless of how tenuous each study's connection to the Postal Service's proposals or how irrelevant or immaterial the information sought. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to

review a large volume of information already available to ANM, and extract and reiterate information already provided.

ANM/USPS-16: This interrogatory requests, for each and every computer simulation model identified in response to question 5, information that compares the simulation model output results to the actual phenomena being modeled, using data other than those from which the model was developed, and a detailed statement concerning the limitations of each computer simulation model including model design assumptions, the range of data input utilized in model design, and information on the tests and validation procedures and results. This interrogatory is not reasonably calculated to lead to the production of admissible evidence to the extent that, being overbroad, it would require extensive documentation of studies regardless of how tenuous each study's connection to the Postal Service's proposals or how irrelevant or immaterial the information sought. It would also impose an undue burden on the Postal Service in that it would require the Postal Service to review a large volume of information already available to ANM, and extract and reiterate information already provided.

The Postal Service also reserves its objection to the disclosure of any

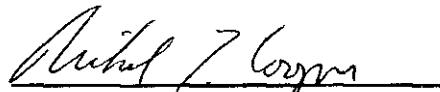
commercially sensitive, trade secret or other privileged or confidential information in response to the very broad and extensive interrogatories now posed by ANM.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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November 6, 1997

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.


Richard T. Cooper

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November 6, 1997