

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

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

PARTIAL OBJECTION OF THE UNITED STATES POSTAL SERVICE TO
INTERROGATORIES OF TIME WARNER AND ADVO (TW/ADVO/USPS-1 - 9)
(September 1, 2006)

The United States Postal Service hereby objects to the following interrogatories of Time Warner and Advo: TW/ADVO/USPS-1 – 7, filed on October 10, 2006 and TW/ADVO/USPS-8 -9, filed on October 19, 2006. Although the Postal Service is likely to file responses to these questions, it does not intend to waive the objections identified below.

All of these questions attempt to follow-up on the set of materials filed by the Postal Service in response to various items of POIR No. 4. The materials were filed on Sept. 22, 2006. According to Rule 26, even assuming that follow-ups are permitted to POIR responses to the same extent as they are permitted to responses to interrogatories of a party, any timely follow-ups would have been due within 7 days of September 22. October 10 and October 19 both obviously fall well outside the period for timely follow-ups, and the Postal Service objects on that basis.

The Postal Service is not attempting merely to evade follow-ups on the basis of a legal technicality. The problem is more fundamental. The city carrier materials filed in response to POIR No. 4 on September 22 represent a dataset and output of an analysis (employing that dataset) requested by the Presiding Officer, based on a 2004 survey of city carrier operations similar to the one conducted in 2002 and previously sponsored by

postal witnesses in Docket No. R2005-1. As has been recently pointed out¹, the materials relating to the 2004 survey were merely provided by the Postal Service at the request of the Presiding Officer, and, while the Postal Service sought to cooperate with that request to the full extent it was able, no postal witness has either sponsored the materials as reliable, or endorsed their use in this proceeding. Moreover, none of this material in its current form was available to the Postal Service's costing experts for incorporation into the Base Year 2005 cost analysis, and therefore none of the Postal Service proposals in this case reflect any of the results that might ultimately be extracted from these materials. The 2004 survey materials played no role in the case filed by the Postal Service in May, and played no role in any of the cases filed by intervenors in September.

Consequently, because the resources of the Postal Service are currently devoted to the litigation of this case based on the materials which have been incorporated into its direct case and into the direct cases of other parties, the Postal Service submits that its own due process rights would be in jeopardy were it to be required to divert those resources to response to a fresh round of discovery on the 2004 survey materials. The procedural schedule is already quite tight, and postal staff is simply unable simultaneously to respond to new discovery while preparing for hearings on intervenor testimony, participating in such hearings, and preparing rebuttal testimony. Based on the range of issues identified by the Commission in its Opinion in Docket No. R2005-1,

¹ Please see Objection of MPA, ABM, Advo, ANM, DMA, Dow Jones, Growing Family, MOAA, MFSA, McGraw-Hill, NAPM, NPPC, NNA, PSA, SMC, Time Warner, and US News & World Report, to Receipt into Evidence of the Response of the US Postal Service to POIR No. 4, Questions 4-12, and POIR No. 16, Items 13-21 (Oct. 17, 2006) at 13-16.

it should be obvious that the potential scope of new inquiries could be extensive, and the Postal Service must therefore object to any attempt that appears to open up materials filed in response to POIR No. 4 (and POIR No. 16) to general discovery.

Nevertheless, despite those misgivings, the Postal Service is likely to file responses to the particular questions posed by Time Warner and Advo because of their distinct nature. These questions all appear to relate to very basic threshold matters associated with the presentation and exchange of electronic files in a highly complex technical environment. The gist of the problem is that the parties' experts are having difficulty obtaining for their own purposes a working database on which to proceed in any meaningful fashion. To the extent that the Postal Service, with minimal (but certainly not trivial) effort, can get them over these initial hurdles, it would seem to be in the interest of no one to refuse to do so.

Therefore, notwithstanding any responses which it may file, the Postal Service wishes to preserve its objection to TW/ADVO/USPS-1 – 9 on the grounds of improper follow-up.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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October 20, 2006

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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