

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

**Rate and Service Changes To Implement
Baseline Negotiated Service Agreement
With Bank of America Corporation**

Docket No. MC2007-1

**MOTION OF AMERICAN POSTAL WORKERS UNION, AFL-CIO
FOR ISSUANCE OF A SUBPOENA TO COMPEL TESTIMONY
AND THE PRODUCTION OF DOCUMENTS BY
WALTER O'TORMEY
(April 25, 2007)**

Pursuant to Section 21 of the Rules of Practice and Section 602 of the Postal Accountability and Enhancement Act, 39 U.S.C. § 504(f)(12), the American Postal Workers Union, AFL-CIO (APWU) hereby respectfully moves the Postal Regulatory Commission to issue a subpoena to compel the deposition testimony of Walter O'Tormey, Vice President, Engineering, of the United States Postal Service.

A central issue in this case is the read/accept rates that form the baseline of the Negotiated Service Agreement. The read/accept rates used in the proposed agreement are from 1999 and are clearly out of date and not indicative of the current performance levels of the Postal Service. Given that the NSA in question is pay-for-performance, accurate measures of baseline performance must be used.

Comprehensive Statements on Postal Operations issued by the Postal Service since 2000 state that Postal Service automation performance levels have improved due to enhancements in the efficiency of Postal Service mail processing equipment.

Mr. O'Tormey's official biography shows that he oversees all engineering and development efforts of the Postal Service focused on internal processes. He directs all engineering and acquisition support functions, including the design and development of new automation. Prior to taking his present position in 2005, Mr. O'Tormey served as Manager of Processing Operations. In that capacity, he worked to improve letter mail efficiency. Accordingly, there is no better person to inform the Commission about improvements in letter mail processing read and accept rates since 1999.¹

For these reasons, we respectfully move the Commission to issue a subpoena requiring Mr. O'Tormey to give deposition testimony before a Commissioner or administrative judge appointed by the Commission, in accordance with 39 U.S.C. § 504(f)(12). and to bring certain supporting documentation specified in the subpoena to the deposition

Respectfully submitted,

Darryl J. Anderson
Jennifer L. Wood
Counsel for American Postal Workers Union, AFL-CIO

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http://www.usps.com/communications/newsroom/leadership/bios/otormey_walter.htm

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Docket No. MC2007-1

SUBPOENA DUCES TECUM

To: Walter O'Tormey
Vice President, Engineering
United States Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

Request therefor having been duly made by the American Postal Workers Union, AFL-CIO, you are hereby required and directed to appear before the Postal Regulatory Commission in the Commission's hearing room, on the ____ day of _____, 2007, to testify in the above matter, and to bring with you the following books, records, documents and papers:

1. Decision Analysis Reports concerning the following matters:
 - a. The ICS system that was to be added to all existing USPS barcode sorters as reported in the 2000 Comprehensive Statement on Postal Operations at page 46.
 - b. The 90 delivery barcode sorter-expanded capability machines that were to be deployed during 2003, as reported in the 2003 Comprehensive Statement on Postal Operations at page 60.
 - c. The Wide Field of View (WFOV) cameras deployed as replacements for aging and obsolete wide area barcode readers, reported in the 2003 Comprehensive Statement on Postal Operations at page 61.
 - d. The addition of new barcode recognition and data collection functions to support marketing and intelligent Mail efforts, reported in the 2006 Comprehensive Statement on Postal Operations at page 36.

2. Return on Investment Reports drafted or completed since 1999 concerning the following matters:
 - a. The ICS system that was to be added to all existing USPS barcode sorters as reported in the 2000 Comprehensive Statement on Postal Operations at page 46.
 - b. The 90 delivery barcode sorter-expanded capability machines that were to be deployed during 2003, as reported in the 2003 Comprehensive Statement on Postal Operations at page 60.
 - c. The Wide Field of View (WFOV) cameras deployed as replacements for aging and obsolete wide area barcode readers, reported in the 2003 Comprehensive Statement on Postal Operations at page 61.
 - d. The addition of new barcode recognition and data collection functions to support marketing and intelligent Mail efforts, reported in the 2006 Comprehensive Statement on Postal Operations at page 36.

2. Copies of any periodic or special reports issued, produced or used by the Postal Service since 1999 that concern the read or accept rates used or referred to by the USPS and BAC in their proposed Negotiated Service Agreement submitted to the Postal Regulatory Commission in Case No. MC2007-1.

Dated this ____ day of _____, 2007.

Postal Regulatory Commission

RETURN OF SERVICE

Service of the annexed subpoena was made by me,

_____, as follows:
(Name of Server)

___ Served personally upon the individual named in the subpoena at _____.

___ Left copies thereof at the dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. The name of the person with whom the subpoena was left is _____.

___ Returned unexecuted: _____.

___ Other(specify): _____.

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.

Executed on _____

Signature of Server

Address of Server