

**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 AN ORDER COMPELLING THE PRODUCTION OF DOCUMENTS
AND INFORMATION BY THE UNITED STATES POSTAL SERVICE
(June 15, 2007)**

Pursuant to Section 21 of the Rules of Practice, the American Postal Workers Union, AFL-CIO (APWU) hereby respectfully moves the Postal Regulatory Commission to issue an Order compelling the Postal Service to produce certain documents described below, and to answer certain interrogatories, stated below.

A central issue in this case is whether the read/accept rates from 1999 that form the baseline of the Negotiated Service Agreement (NSA) provide a valid basis for a determination whether or not BAC has taken actions in response to the NSA that have caused read/accept rates on BAC mail to be above the baseline read/accept rates. The read/accept rates used in the proposed agreement are from 1999 and are clearly out of date and not indicative of the current performance levels of the Postal Service.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. This is particularly important because this NSA has been proposed as a baseline NSA that could be used as a basis for other similar NSAs.

We respectfully suggest that the evidence of record in this case establishes that the baseline read/accept rates from 1999 are not a valid basis for determining improvements in BAC read/accept rates under the NSA. The witness provided by the Postal Service in its opposition to APWU's Motion requesting that the Commission subpoena a witness capable of addressing this question, Mr. Brent Raney, has confirmed that automation changes since 1999 have improved read/accept rates since the baseline data were collected. Mr. Raney also confirmed that postal management has the capability, through USPS management information systems, to determine current read/accept rates. However, Mr. Raney was not involved in producing or approving the original DAR on the Wide Field of View Camera, nor was he familiar with the content or the existence of any follow up reports to the Board of Governors. Mr. Raney also was unable to testify about current read/accept rates, nor was he able to identify or state the contents of any postal studies or reports that provide information on read/accept rate improvements since the deployment of the Wide Field of View Camera in 2003 and early 2004.

Because the validity of the pending NSA is dependent on the validity of the baseline read/accept rate data used to calculate discounts under the NSA, we respectfully request that the Commission require the Postal Service to answer the interrogatory stated below and to produce the documents described below:

Documents to be Produced:

1. Copies of all periodic or special studies, documents or reports issued, produced or used by the Postal Service since 1999, including all reports to the Board of Governors, that concern the

efficacy of the Wide Field of View Camera installed on postal mail processing equipment during 2003 and 2004; and

2. Copies of all periodic or special studies, documents or reports issued, produced or used by the Postal Service since 1999 that concern read/accept rates of the type 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.

Interrogatory to be Answered:

Identify a USPS official, or if necessary more than one official, who is familiar with (1) the existence and contents of USPS studies, documents or reports that concern read/accept rates at the national, regional, and local levels in operations that process the type of mail that is mailed by BAC and that is at issue in this case; and (2) read/accept rates on postal automation used to process the type of mail that is mailed by BAC and that is at issue in this case.

Respectfully submitted,

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

Dated this 15th day of June, 2007.