

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

**SURREPLY OF UNITED STATES POSTAL SERVICE TO THE  
JUNE 26 REPLY OF AMERICAN POSTAL WORKERS UNION, AFL-CIO**  
(June 29, 2007)

On June 15, 2007, the APWU filed a motion requesting an order compelling the Postal Service to produce certain documents and to answer an interrogatory. On June 22, 2007, the Postal Service answered in opposition to APWU's motion. On June 26, 2007, the APWU sought leave to file a reply to the Postal Service's answer, and also filed a reply. This surreply responds to APWU's reply, and is supported procedurally by separate motion through which the Postal Service seeks leave to file a surreply to APWU's reply.

The Postal Service opposes the APWU's motion for the reasons stated in its Answer of June 22, 2007, and reaffirms that the arguments contained therein are both legally and factually sound. Two matters raised in APWU's pleadings merit further discussion in order for the Commission to have a complete assessment of the underlying facts.

First, on page four of its reply, APWU asserts that USPS witness Raney "testified on cross examination that the Postal Service routinely and regularly collects data from which actual current read rate data could be determined, but

that he does not know whether this data has been aggregated in a manner that would show actual current read rates.” Further, APWU asserts that witness Raney has no more than “hearsay knowledge” regarding read/accept rates on postal mail processing equipment. APWU does not correctly interpret witness Raney’s written or oral testimony. Tr. 2/403, 2/452-2/459, Tr. 3/524-3/526. A fair reading of the record demonstrates that APWU did not ask witness Raney to identify the sources of the information that underlie his responses to discovery. APWU, therefore, has no foundation to conclude that witness Raney had only “hearsay knowledge”. Through the filing of its post-hearing motion, APWU is apparently seeking to make up any missed opportunities. Thus, APWU’s request for “the identity of a witness with personal non-hearsay knowledge of current read rates” has already been satisfied through witness Raney’s appearance at hearings.<sup>1</sup> Hence, it would be fundamentally unfair to the co-proponents for the proceeding to be subjected to any further procedural delays simply to account for APWU’s apparent neglect in fully and exhaustively exploring matters of interest to it in the course of written and oral cross-examination.

Also, as indicated in the Postal Service’s June 22 answer to APWU’s motion to compel, and contrary to APWU’s assertions on page three of its reply, the Postal Service further submits that its voluntary production of library

---

<sup>1</sup> See Reply of American Postal Workers Union, AFL-CIO (APWU) to Opposition of USPS to APWU Motion to Compel Production of Documents and Information (filed under seal on June 26, 2007), at 2.

reference USPS-LR-4/MC2007-1, filed on June 28, 2007, essentially moots APWU's post-hearing document production requests.<sup>2</sup>

For the reasons set forth above and in the Postal Service's June 22 answer, the Postal Service respectfully requests that APWU's June 15 motion to compel be denied.<sup>3</sup>

UNITED STATES POSTAL SERVICE

By its attorneys:

Anthony F. Alverno  
Chief Counsel, Customer Programs

Frank R. Heselton  
Matthew J. Connolly  
Susan M. Duchek

475 L'Enfant Plaza, S.W.  
Washington, D.C. 20260-1135  
(202) 268-8582; Fax -5418

---

<sup>2</sup> See Answer of United States Postal Service in Opposition to Motion of the American Postal Workers Union, AFL-CIO, for An Order Compelling Production of Documents and Information (filed June 22, 2006), at 6.

<sup>3</sup> See Motion of American Postal Workers Union, AFL-CIO for An Order Compelling the Production of Documents and Information by the United States Postal Service filed June 15, 2006).

## **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.

---

Matthew J. Connolly

475 L'Enfant Plaza, S.W.  
Washington, D.C. 20260-1135  
(202) 268-8582; Fax -5418  
June 29, 2007