

# DOCKET SECTION

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

RECEIVED

Nov 14 4 41 PM '97

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY  
Docket No. R97-1

POSTAL RATE AND FEE CHANGES, 1997

## OBJECTION TO INTERROGATORIES OF AMMA AND NDMS TO WITNESS CRUM (November 14, 1997)

The United States Postal Service hereby objects to the following interrogatories directed to witness Crum: AMMA/USPS-T28-6-12,<sup>1</sup> filed on November 6, and NDMS/USPS-T28-27-29, filed on November 7, 1997. The filing of these interrogatories is unauthorized.

The material which is the subject matter of these interrogatories was incorporated from Library Reference H-108 into witness Crum's testimony as Exhibit K on October 1, 1997, in advance of his appearance on October 9.<sup>2</sup> At the hearings on October 9, witness Crum's testimony, including Exhibit K, was accepted into evidence without objection. Tr. 5/2169, 2318. Witness Crum answered questions about this material, both in written cross-examination that was admitted into evidence without objection, Tr. 5/2170-71, and during the course of oral cross-examination, *see, e.g.*, Tr. 5/2362-68. The interrogatories filed last week now seek either to follow up on responses given by the witness on oral cross-examination or to ask new questions

---

<sup>1</sup> The Postal Service assumes that these interrogatories should have been numbered 1-7, since AMMA has not previously filed any interrogatories directed to witness Crum.

<sup>2</sup> Witness Crum had responded, in his own name, to numerous interrogatories on this material during the discovery period.

that could have and should have been asked during the discovery and hearings phases of this case.

AMMA and NDMS may believe that this additional discovery was authorized by Order No. 1200, although their filings give no explicit indication of this belief. Such a belief, indeed, would be mistaken. Order No. 1200 authorized participants to "prepare and file discovery as though these material will be admitted into evidence. ..." The relevant material here, however, was material that had already been incorporated into the witness's testimony and admitted into evidence. Although the Postal Service had listed Library Reference H-108 in its Response to Presiding Officer's Ruling No. R97-1/42, its inclusion in this listing was done for the sake of completeness, as explained in the Postal Service's November 12 Notice Regarding Library References Already in Evidence. The Postal Service does not interpret Order No. 1200 and Presiding Officer's Ruling No. R97-1/54 to require witness Crum to respond to discovery or to appear for further oral cross-examination on material which was previously incorporated into his testimony, accepted into evidence as part of his testimony without objection, and concerning which he responded both to discovery and oral cross-examination in due course.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking



Scott L. Reiter

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-2999; Fax -5402  
November 14, 1997

# 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.

A handwritten signature in cursive script, appearing to read "Scott L. Reiter", is written over a horizontal line.

Scott L. Reiter

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-2999; Fax -5402  
November 14, 1997