

DOCKET SECTION

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

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POSTAL RATE AND FEE CHANGES
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 1997

Docket No. R97-1

OBJECTION OF UNITED STATES POSTAL SERVICE TO INTERROGATORIES OF
THE ALLIANCE OF NONPROFIT MAILERS
(ANM/USPS-20-23, and 25-26)
(December 19, 1997)

In accordance with Rules 25 and 26 of the Commission's Rules of Practice and Procedure, the Postal Service hereby objects to interrogatories ANM/USPS-20-23, and 25-26, directed to the Postal Service and filed by the Alliance of Nonprofit Mailers (ANM) on December 9, 1997. The grounds for objection to each of these discovery requests is that they are untimely, and that responding to certain of the requests would entail significant burden on the part of the Postal Service.

Interrogatory ANM/USPS-20 asks the volume, in pieces and pounds of "mail prepared for entry at Standard A (formerly third-class) nonprofit rates were in fact entered at commercial rates...because the Postal Service determined, before or during entry of the mail, that it did not qualify for Standard A (or third-class) nonprofit rates" for three separate time periods. Interrogatory ANM/USPS-21 asks the Postal Service to indicate "how many mailings, pieces and pounds of mail originally entered at Standard A (formerly third-class) nonprofit rates later generated back postage payments to the Postal Service...after the Postal Service found that the mail was ineligible for commercial rates" for the same time periods.

Interrogatory ANM/USPS-22 asks the Postal Service to provide all Postal Service publications and regulations concerning "the accounting treatment (in RPW and

elsewhere) of mail” described in questions ANM/USPS-20 and -21. ANM/USPS-23 asks the Postal Service to describe the instructions provided to statistical data collectors regarding the identification, for IOCS purposes, of pieces marked as Standard A nonprofit mail, but which were actually entered at another rate.

ANM/USPS-25 asks about revisions made to mailing statements in instances where Standard A mail was entered at nonprofit rates “but [which were] later assessed additional postage under another rate class or subclass.” ANM/USPS-26 seeks similar information regarding mailings that were not accepted by the Postal Service for mailing at nonprofit rates.

The data systems and their outputs, which are the focus of these inquiries, were the subject of extensive testimony presented by Postal Service in its direct case. Discovery regarding this type of information was required to be completed by September 17. AMM’s questions are thus untimely.

While discovery regarding the design of the statistical sample process (as previously presented in LR-H-89) was reopened after September 17, the questions posed in the instant interrogatories by ANM have nothing to do with sample design.¹ Even assuming (contrary to fact) that they did, however, discovery on supplemental testimony was required to be completed by November 14. Thus, any under standard, these questions are clearly untimely.

Moreover, obtaining the information sought by discovery requests ANM/USPS-20, 21, 25 and 26 would entail a significant burden for the Postal Service. The information requested is not on hand at Postal Service headquarters, and a

¹ This point, in effect, was made by counsel for the Postal Service at Tr. 17/8194 in objecting to a question on exactly this line of inquiry during hearings on witness Degen’s supplemental testimony.

comprehensive response would require the Postal Service to survey every point at which business mail may be entered, in order to review each mailing statement for a two-year period. Even these efforts could fail to provide a complete response. For example, we have no indication of the degree to which any of the changes of the type described in the discovery requests are standardized throughout the postal system. (Note that the questions range in scope from mailings entered as nonprofit but later found to be ineligible, to mailings actually determined during the mail acceptance process itself to be ineligible for nonprofit rates.) An estimate of hundreds of hours of effort is not unreasonable, and to require the Postal Service to undertake such an endeavor, particularly to attempt to respond to discovery requests that are so clearly out-of-time, is not warranted.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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December 19, 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.


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December 19, 1997