

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Station and Branch Optimization and
Consolidation Initiative, 2009

Docket No. N2009-1

PRESIDING OFFICER'S RULING
DENYING AMERICAN POSTAL WORKERS UNION, AFL-CIO MOTION
REQUESTING PROVISION OF DOCUMENTS

(Issued October 13, 2009)

Pursuant to direction provided at the September 30, 2009 hearing,¹ the American Postal Workers Union, AFL-CIO (APWU) filed a motion in support of its request that the Postal Service be directed to produce all documents that are relied upon in the Station and Branch Optimization and Consolidation (Initiative).² APWU clarifies in writing that it seeks "all documents, including but not limited to, instructions, handbooks, and templates used by the Postal Service to calculate the value of the factors [as referenced in witness Matalik's testimony] used in the discontinuance study." *Id.* at 4.

APWU contends that evaluating the factors upon which the Postal Service bases its decisions, as outlined in witness Matalik's testimony, must be part of the Commission's examination of whether the Initiative is in conformance with title 39. It argues that it is not enough to just examine the factors at face value, but that the Commission also must examine the validity and soundness of the values assigned to each factor. This necessarily should include examination of how the values were

¹ Tr. 2/598-601.

² Motion of American Postal Workers Union, AFL-CIO, to Direct Postal Service to Provide Documents, October 2, 2009 (Motion).

determined. APWU concludes that “[b]ecause the statistical significance of the data relied on to determine the value of the various factors is of critical importance, the Postal Service should be required to produce all documents relied on by Postal management to make these valuations.” *Id.* at 3.

On October 8, 2009, the Postal Service filed a pleading in opposition to the Motion.³ The essence of the Postal Service Opposition is that APWU did not make judicious use of the discovery period to explore issues that were readily apparent through examination of testimony, and thus, has not justified a granting of relief this late in the proceeding. The Postal Service further notes the subjective nature of the decision-making process under the Initiative, where factors are neither empirically weighed nor accorded equal weight. Therefore, the Postal Service questions the value of assessing the statistical validity of data used as indicators in the discontinuance process.

Analysis. Initial discovery in reference to the Postal Service’s direct case concluded on September 11, 2009. The Postal Service clearly states the factors that might involve measurement in its direct testimony. No apparent reason presents itself as to why APWU could not have pursued obtaining specific information concerning the measurement systems that it considers to be of “critical importance” during the course of normal discovery.

Furthermore, the Postal Service asserts that it analyzes the factors presented in its testimony in a qualitative, not quantitative, fashion. Therefore, statistical precision does not appear to be critical to the Postal Service’s subjective analysis. The Motion to produce documents is denied.

³ Opposition of the United States Postal Service to the Motion of the American Postal Workers Union Seeking the Production of Documents, October 8, 2009 (Opposition).

RULING

Motion of American Postal Workers Union, AFL-CIO, to Direct Postal Service to Provide Documents, filed October 2, 2009, is denied.

Ruth Y. Goldway
Presiding Officer