

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

SIX-DAY TO FIVE-DAY CARRIER DELIVERY
AND RELATED SERVICE CHANGES, 2010

Docket No. N2010-1

PARTIAL OBJECTION OF UNITED STATES POSTAL SERVICE TO
INTERROGATORY OF DOUGLAS CARLSON DIRECTED
TO WITNESS ELMORE-YALCH (DFC/USPS-T8-1)
(April 12, 2010)

On April 1, 2010, Douglas Carlson filed interrogatory DFC/USPS-T8-1.

The Postal Service plans to file a timely response to this interrogatory that it considers fully responsive. The response will point to specific sections of testimony and will include additional materials (such as transcripts of focus group discussion) that respond directly to the apparent focus of the interrogatory. To the extent that this response could be deemed incomplete or not responsive, however, the Postal Service hereby objects on the grounds of undue burden, the lack of materiality, the fact that it is duplicative by seeking answers to questions already addressed directly by testimony, and research confidentiality. The interrogatory states:

DFC/USPS-T8-1. Please provide all documents, notes, and other records relating to any customer's need for collection service on any day of the week that the Postal Service obtained, retained, or recorded during market research for the proposal pending before the Commission in this docket. This request specifically encompasses, and is not limited to, survey questions, responses to survey questions, comments of customers participating in focus groups, video and audio recordings in which customers participating in focus groups discussed collection service, and notes that Postal Service employees, contractors, or agents took of conversations during focus groups, surveys, or market research. For purposes of this interrogatory, the term "collection service" relates to and includes the terms blue collection boxes, post office lobby drops, post office retail window counters, leaving mail in an office, a home mail receptacle, or a cluster box for a letter or rural carrier to pick up, and mailing letters.

Evident from the exceptional breadth of the interrogatory is the complete failure to recognize that interrogatories framed in such terms are discouraged by recent changes to the *Federal Rules of Civil Procedure* and the *Federal Rules of Evidence*, and commentaries explaining each, that recognize how the practice of law must change in recognition that today's information age is materially different from the hard copy world from which it emerges. The volume of computer stored information conceivably responsive to a given question today quickly dwarfs the immediate context from which an interrogatory is launched. In this connection, undersigned counsel also notes that this interrogatory was filed two days after filing of the Request and that it appears Mr. Carlson failed to read what has already been filed by the Postal Service. Such action wastes resources available to support the Commission's development of a record upon which its advisory opinion can be based.

The first ground cited in this partial objection is undue burden, which stems first from the fact that the interrogatory fails to recognize that the targeted witness, Ms. Elmore-Yalch, explains exactly what market research she performed for the Postal Service related to five-day delivery, limits the interrogatory fails even to acknowledge. Her response will nonetheless restate or reference such limits for the benefit of Mr. Carlson. If limited in this fashion, responding to the interrogatory need not be unduly burdensome.

The second ground for objection cited is the lack of materiality. In other words, even if somehow other research performed by witness Elmore-Yalch touches in any respect on Mr. Carlsons' all encompassing interest in collection

service, no matter how such activity may actually be described, it is both beyond the scope of her testimony and lacks any material connection to this docket.

The third ground for objection (duplicative) stems from the interrogatory's second sentence which seeks, among other things, survey questions and responses. These materials have already been supplied in testimony and supporting materials such that a request for them seems to demonstrate failure to read the Postal Service direct case. The final ground for objection is research confidentiality: this Commission has long supported the market research industry standard of both offering and assuring market research subjects/respondents confidentiality in return for their participation; without the maintenance of confidentiality the expectation of truthful responses can be diminished or eliminated. Accurate market research is well worth the confidentiality afforded to respondent identity, their personally identifying information, business names, and similar information, as the Commission has found repeatedly.

Witnesses Elmore-Yalch and Whiteman did anticipate that some additional and reasonable inquiry into the conduct of the market research should be anticipated. In particular, inquiry into the actual discussions in qualitative market research that includes focus groups and in depth interviews was anticipated.¹ Accordingly transcripts of each have been prepared that also protect respondent confidentiality. The Postal Service plans to make these available in response to interrogatory DFC/USPS-T8-1. Mr. Carlson will accordingly be able to wield any terms he cares to apply in finding the extent to

¹ Interrogatory DFC/USPS-T8-1 recognizes that USPS-T-8 does involve focus groups; it does not recognize that in depth interviews were also utilized. The Postal Service is assuming the latter are nonetheless encompassed by the interrogatory.

which any discussion of collection activity arose in the qualitative market research.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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