

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268B0001

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

Docket No. N2010-1

OBJECTIONS OF THE UNITED STATES POSTAL SERVICE TO DISCOVERY  
REQUESTS OF NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO  
INTERROGATORIES TO WITNESS GREGORY M. WHITEMAN NALC/USPS-T9-4 to 5  
(June 25, 2010)

In accordance with Rule 26(c) of the Postal Regulatory Commission's Rules of Practice and Procedure, the United States Postal Service hereby objects to the fourth and fifth interrogatories submitted by the National Association of Letter Carriers ("NALC") to witness Gregory M. Whiteman on June 15, 2010: NALC/USPS-T9-4-5.. Each interrogatory is stated below and followed by the specific objection. The Postal Service does not waive its right to supplement its objections or raise additional objections in the course of responding to these requests.

**General Objections to NALC Interrogatories.** Discovery related to the Postal Service's direct case closed on June 9, 2010; therefore, the interrogatories submitted by NALC are untimely and not permitted under the Commission Rules. While NALC claims these discovery requests are for the purpose of developing its direct case, they are not in a form that would elicit information useful for that purpose. Instead, the interrogatories' simple focus is upon identifying studies that meet specific criteria. Those criteria, moreover, are implausible and unlikely ever to be satisfied because of logical or semantic impossibility.

To be sure, the interrogatories are directed to one of the two Postal Service witnesses who sponsor the extensive qualitative and quantitative market research presented as parts of the Postal Service direct case. The questions inquire about other research that may have been conducted in support of the five-day delivery proposal; as such, they do inquire about the Postal Service direct case, but the deadline for such discovery has already passed. These operation and service based questions were examined in great detail in direct testimony and discovery requests by other parties throughout the discovery period, and equally addressed by the Postal Service. It is deceptive for NALC to attempt to circumvent the deadline to go on a fishing expedition for information it could have sought prior to the close of discovery.

Further, the Postal Service objects to the interrogatories on the grounds that the requests are vague and seek illogical or counterintuitive information. As such, these requests are not reasonably calculated to lead to the discovery of admissible evidence. The terms of art used in these requests such as “total impact” and “level of understanding” to evaluate Postal Service customers’ perceptions are undefined and the ambiguity of the interrogatories prevents the Postal Service from preparing any reasonably responsive answer. Even if the Postal Service understood the requests to identify studies of the type described, it is unable to formulate an intelligent response about the “total impact” on customers or their “level of understanding” of a proposal that has yet to be implemented or defined to the degree fully necessary to implementation.

**NALC/USPS-T9-4.** Please indicate the marketing or other survey research undertaken to inform customers (particularly large mailers) of the total impact on them of receipt, acceptance, etc. associated with the 5-day proposal and the changes in delivery arrangements resulting from the proposal.

The Postal Service objects to this interrogatory as vague, unclear and unable to lead to the discovery of admissible evidence. While market research testimony has often been seen in Commission proceedings, it has never been undertaken for the singular purpose of communicating information to customers. Market research is undertaken for the purpose of improving the understanding of the party sponsoring it. In this docket, qualitative market research is used in testimony as the foundation for Postal Service (and less directly, the Commission and other participants) understanding of how customers can or will adapt to implementation of five-day delivery. Quantitative market research similarly informs the Postal Service regarding projected financial impacts upon postal business of five-day delivery.

It is unclear what NALC means by “the total impact on [customers] of receipt, acceptance, etc. associated with the 5-day proposal and the changes in delivery arrangements resulting from the proposal.” “Total impact”, as it is understood by the Postal Service, can not be perceived 12-18 months in advance of implementation. While projected impact can be assessed in advance, “total impact” would necessarily be evaluated after all impact has come into existence. Hence it is illogical to suggest that market or survey research could ever be used for such a purpose. “Total impact” on customers could, moreover, never be the Postal Service’s responsibility since each mailer’s or recipient’s operational changes must be defined by the responsible customer. What can be said from the market research testimony in this docket is that customers understand and are able to adapt if five-day delivery gets implemented.

Market research is not the primary or even a plausible way for the Postal Service to educate mailers. The Postal Service’s plans for informing its customers and

preparing them for the implementation of five-day delivery to street addresses and related service changes is reflected throughout the Postal Service direct case, but especially through the testimony of witness Stephen M. Kearney (USPS-T-11). Mr. Kearney may have been the most appropriate witness to direct such a request if his testimony had been studied and the time for discovery requests related to the Postal Service's direct case had not already closed.

**NALC/USPS-T9-5.** What research was undertaken to determine the level of understanding of mailers concerning the impact on service quality, acceptance conditions, and timing of delivery under the 5 day proposal.

The Postal Service objects to this convoluted request as vague, untimely and unable to lead to the discovery of admissible evidence. The question itself imposes four levels of definitional equivocation (determine, level of understanding, among mailers, and concerning impact) on three criteria (service quality, acceptance conditions and timing of delivery). It also has been addressed extensively through Postal Service witnesses Rebecca Elmore-Yalch (USPS-T-8) and Gregory M. Whiteman USPS-T-9, and related discovery. The market research undertaken and previously submitted by the Postal Service explores how all types of mailers and recipients could be impacted or could respond to implementation of five-day delivery. While service quality, acceptance conditions and timing of delivery were not specific foci in this research, these topics are addressed to some extent, an extent that can be discerned via simple review by NALC of the materials already filed. Yet this question appears to assume that body of testimony out of existence altogether. Again, any requests regarding this analysis should have been submitted prior to June 9, 2010 and are therefore untimely.

Further, the Postal Service objects to the substance of this interrogatory because it incorrectly and illogically postulates that the “level of understanding” about any of these issues can approach perfection months or even years before the five-day proposal is even implemented. The research that the Postal Service has conducted can not impact what limited information the Postal Service now has about service quality beyond the fact that some start the clock dates are postponed for some mail. Impact upon acceptance is a topic addressed in testimony and discovery, so it is a topic that if NALC really wants to learn more about, reading the existing record would constitute a good place to start.<sup>1</sup> The timing of delivery has also been examined extensively through Postal Service witnesses Dean J. Granholm (USPS-T3) and Frank Neri (USPS-T4), and related discovery.

These two interrogatories should be seen for what they are: deliberate and feigned ignorance of the substantial record that already informs the Commission’s advisory opinion on these and related points. Each topic has been discussed through the testimony of various Postal Service witnesses and the research undertaken by the Postal Service on these matters has shaped the overall content of this Request for an advisory opinion. Moreover, by ignoring how market research can inform decisions, these interrogatories pose questions are not amenable to exploration via market

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<sup>1</sup> The truth of this statement also shows that this interrogatory is cumulative, to the extent that this issue has already been explored.

research. As such, the Postal Service objects to these questions on the grounds that they are late, nonsensical, unable to lead to the discovery of admissible evidence, cumulative and vague.

Respectfully submitted,

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