

DOCKET SECTION

RECEIVED

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

FEB 6 4 40 PM '98

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Docket No. R97-1

Postal Rate And Fee Changes, 1997

OBJECTIONS OF ALLIANCE OF NONPROFIT MAILERS TO INTERROGATORIES USPS/ANM-T1-26 AND -36 (February 6, 1998)

The Alliance of Nonprofit Mailers ("ANM") objects to the following interrogatories of the Postal Service: USPS/ANM-T1-26(a) and (b) (served on January 27, 1998), and USPS/ANM-T1-36 (served on January 28, 1998). Both interrogatories concern the mailer survey data summarized in the testimony of ANM witness Haldi. Interrogatory USPS/ANM-T1-26 reads as follows:

USPS/ANM-T1-26. Please refer to Exhibit 1-ANM-T1 of your testimony, where you summarize the results of a survey conducted by ANM under your supervision. For each responding organization that mailed Standard A regular rate mail with nonprofit indicia, please provide:

- a. the name of the organization
- b. the organization's address;
- c. the number of pieces entered at regular rates with nonprofit indicia; and
- d. the name of the Postal facility(ies) where the mailing(s) were entered.

Interrogatory USPS/ANM-T1-36 asks Dr. Haldi to “provide the information requested in USPS/ANM-T1-26, for the survey responses you received since completing your testimony.”

ANM objects to these questions to the extent that they call for information concerning the names and addresses of the specific organizations responding to the surveys. In soliciting the survey responses, ANM pledged not to disclose the specific identities of the responding mailers to the public generally, or to the Postal Service in particular. ANM made this commitment in response to concerns of potential survey respondents that identifying them to the Postal Service would expose them to retaliation. Requiring ANM to breach this commitment would chill the ability of ANM and other trade associations to obtain similar information from their members in the future.¹

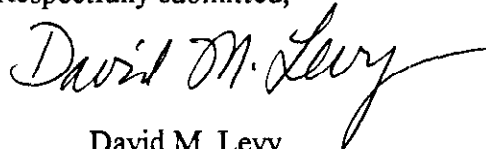
The Postal Service has no legitimate interest that warrants subjecting mailers and their trade associations to these risks. Dr. Haldi’s testimony relied on the aggregate survey results to indicate the existence of a general problem, and “did not rely on the identity of any of the survey participants.” *Cf.* Presiding Officer’s Ruling No. MC95-1/19, *supra*, at 6. ANM is willing to produce copies of the actual survey responses with the mailers’ names, addresses and fax numbers, and similar identifying

¹ When the shoe has been on the other foot – i.e., when intervenors have sought discovery about the identities of mailers responding to studies conducted by the Postal Service – the Postal Service has repeatedly objected to providing such information. *See, e.g.*, Presiding Officer’s Ruling No. MC95-1/19 (June 14, 1995) at 6 (declining to “require the Postal Service to disclose the identify (or location) of any of the publications referred to in the interrogatories”).

information redacted.² This information will enable the Postal Service and other interested persons to verify whether the survey responses support the aggregate results claimed by Dr. Haldi. ANM is also willing to provide the first three digits of the ZIP Codes of the survey respondents. This information will allow the Postal Service and other interested persons to verify whether the mismatch between IOCS and RPW data is a localized vs. national problem.

More fundamentally, the best source of data on the extent of the IOCS/RPW mismatch for standard (A) mail entered by nonprofit organizations at commercial rates is the Postal Service itself. The Postal Service has, or should have, a mailing statement for every piece of mail entered by nonprofit mailers at commercial rates in the United States. Examining these statements, or a reasonable sample of them, would provide independent confirmation of the significance of the IOCS/RPW mismatch.

Respectfully submitted,



Joel T. Thomas
1800 K Street, N.W., Suite 810
Washington, D.C. 20006
(703) 476- 4646

David M. Levy
SIDLEY & AUSTIN
1722 Eye Street, N.W.
Washington, DC 20006
(202) 736-8214

Counsel for Alliance of Nonprofit Mailers

February 6, 1998

² ANM would object on similar grounds to USPS/ANM-T1-26(d), which requests "the names of the Postal facility(ies) where the mailing(s) were entered" if ANM possessed such information. ANM's survey did not request such information, however, and the respondents did not provide it.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

A handwritten signature in cursive script, reading "David M. Levy", is written over a horizontal line.

February 6, 1998