

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

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Docket No. MC98-1

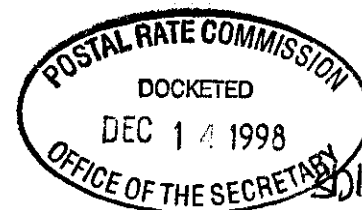
OBJECTION OF UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OCA/USPS-14, 15, 17(B-D), AND 22 TO 24
(December 14, 1998)

The United States Postal Service hereby objects to interrogatories OCA/USPS-14 and 15, filed by the Office of the Consumer Advocate on December 7, 1998; interrogatories OCA/USPS-17, parts b to d, and OCA/USPS-22, filed by the Office of the Consumer Advocate on December 8, 1998; and OCA/USPS-23 and 24, filed by the Office of the Consumer Advocate on December 11, 1998.

The period for discovery on the Postal Service's direct case ended on November 6. Presiding Officer's Ruling No. MC98-1/10, Attachment A. The Presiding Officer moreover has corrected the implication in MASA's November 30 comments that unlimited discovery on the Postal Service continues until January 28, 1999. Presiding Officer's Ruling No. MC98-1/18, at 3. The Postal Service therefore objects to interrogatories OCA/USPS-14, 15, 22, 23, and 24, since, as discussed below, they address the Postal Service's direct case, on which discovery has closed.

Interrogatory OCA/USPS-14 follows up on witness Garvey's response to issue 2 of Notice of Inquiry No. 1. Since that response was filed on November 6, 1998, and entered into the record at the hearing on November 19,¹ the OCA had an opportunity to raise its concerns either before or at the hearings on the Postal Service's direct case. In addition, on December 7, witness Plunkett answered essentially the same question as

¹ Tr. 6/1326-28, 1427-28.



in part (c) of this interrogatory. Moreover, witness Garvey discussed the issues raised by part (f) at the hearing. Tr. 6/1520-22; Tr. 7/1676-80. Thus, the OCA has already exercised its due process rights concerning the substance of witness Garvey's response to issue 2.

Interrogatory OCA/USPS-15 follows up on witness Garvey's response to a question from Commissioner Goldway at the beginning of witness Garvey's hearing on November 19, 1998. Tr. 6/1521. The OCA had an opportunity to raise its concerns at the hearings on the Postal Service's direct case. Moreover, part (c) of this interrogatory requests a legal conclusion that is beyond the scope of discovery, and should be left for briefing.

Interrogatory OCA/USPS-22 asks for confirmation of the meaning of abbreviations used in a Qualification Report attached to an interrogatory response filed on November 5, 1998. This interrogatory could have been asked before or at the hearings on the Postal Service's direct case. While these abbreviations are presented in the DMM, sections P012.2.3 and P710.3.3, the Postal Service objects to this interrogatory because of its tardiness.

Interrogatory OCA/USPS-23 asks follow-up questions on a report of the system developer provided by witness Garvey in response to interrogatory OCA/USPS-T1-57(i), filed November 17, 1998. The OCA asked about this report at the hearing on November 20,² and had an opportunity to conduct written follow-up on the report, presumably until November 24, 1998, based on the limits on follow-up discovery in Special Rule 2D from prior proceedings. This interrogatory is late.

Interrogatory OCA/USPS-24 follows up on witness Plunkett's response to Notice of Inquiry No. 1, Issue 1. Since that response was filed on November 6, 1998, and

² Tr. 7/1676-80.

entered into the record at the hearing on November 18,³ the OCA had an opportunity to raise its concerns either at the hearings on the Postal Service's direct case, or shortly thereafter. This interrogatory is late.

Interrogatory OCA/USPS-17, parts (b) to (d), ask the Postal Service to confirm information that is apparent directly from the weekly reports that were provided on December 3, 1998. The OCA seems capable of reading the reports itself, without requiring the Postal Service to respond to discovery. A response would add little, since it could simply refer the OCA to the reports themselves.

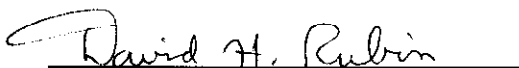
Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.

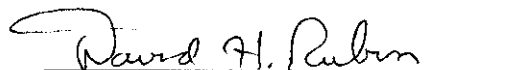
Chief Counsel, Ratemaking



David H. Rubin

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.



David H. Rubin

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December 14, 1998

³ Tr. 5/1086, 1122-28.