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POSTAL RATE COMMISSION
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REVISIONS TO LIBRARY REFERENCE RULE

Docket No. RM98-2

FURTHER COMMENTS OF THE UNITED STATES POSTAL SERVICE
AND RENEWED REQUEST FOR INFORMAL CONFERENCE
(February 1, 1999)

On December 17, 1998, the Commission published Order No. 1223, in which it provided notice of amendments to its proposed revisions to Rule 31(b) pertaining to library references. The original proposals had been promulgated on August 27, 1998, in Order No. 1219. The Postal Service submits the following comments.

In its initial comments in response to Order No. 1219, the Postal Service suggested that there were several approaches the Commission could employ in seeking to address and resolve concerns that surfaced in Docket No. R97-1 with respect to library references and related issues. Initial Comments of the United States Postal Service and Request for Informal Conference (October 14, 1998). The Postal Service noted that, for example, the Commission could undertake a wholesale revision of Rule 31(b), focusing on the broader issue of documentary evidence in general; it could leave the focus of reform exclusively on library references, but broaden the scope to include modification of the potential evidentiary status of such materials; or, it could limit the proceeding to consideration of the more mechanical aspects of filing library references. See, e.g., *id.* at 13-14. The revised proposed rules adopt a limited approach most similar to the last of these three options (see



Order No. 1223 at 3-4).¹

The Postal Service has significant reservations about many of the proposed provisions, and believes that their global application to all library references could create unnecessary difficulties. As discussed below, the Postal Service submits that further revisions would be necessary in order to allow achievement of the apparent objectives of the proposed rules without unduly burdening the Postal Service.

The most significant revision made by the Commission to its original proposal was the abandonment of the requirement that a formal motion accompany the filing of every library reference. See Order No. 1223 at 4-6. The Postal Service was among the commenters that opposed such a requirement, noting that it would generate unnecessary motion practice. By dropping this requirement, the Commission has clearly lessened the burden on the Presiding Officer, who no longer would be required to rule on a motion every time a library reference were to be filed.

The amendment, however, does nothing to lessen the burden on the Postal Service, the party that files the vast majority of library references, since it merely substitutes what amount to virtually the same content requirements for the required

¹ In Order No. 1223, the Commission suggested that broader concerns may be addressed in the concurrent rulemaking, Docket No. RM98-3. In that proceeding, the Postal Service has already filed comments (on December 2, 1998) suggesting some broad-based procedural reforms intended to streamline the ratemaking process. While limiting its focus in this docket to essentially administrative matters, in accord with the Commission's stated preference, the Postal Service continues to advocate the proposals it has advanced in Docket No. RM98-3. The Postal Service recognizes that, were more far-reaching substantive reforms adopted, as proposed in the other docket, some of the procedures suggested in this pleading (as with those proposed by the Commission) might need to be revisited.

notice as were initially required for the motion. Under the revised proposal, what was called a "motion" must still be filed in what now will be called a "notice."²

Order No. 1223, moreover, does not address one of the main thrusts of the Postal Service's initial comments -- library references are utilized for a variety of purposes, and it is very much open to debate whether it makes sense to try to apply one set of procedures to all library references. As discussed in detail in the Postal Service's initial comments at 9-12, there are some relatively well-defined types of materials which have come to be filed as library references. Several of these types (e.g., statistical system documentation and witness foundational material) are usually filed only (or predominantly) when the Postal Service submits its initial filing. Library references of this type raise issues such as what is the most reasonable way to make such material available to the intervenors and the Commission; how does such material relate to witness workpapers; and in exactly what ways, if any, are parties or the Commission dissatisfied with the way such material has been presented in the past?

It would seem that substantially different issues arise with regard to library references that are filed after a case has begun. The vast majority of these are typically filed without controversy in response to discovery requests. In this respect, it is not clear from past practice why any change is necessary. Furthermore, even assuming some change is warranted, it is not clear that the same procedures can be

² Order 1223 acknowledges as much on page 5 ("To the extent that this information could be provided as easily in an expanded notice as in a motion ... the amended revisions proposed here substitute a notice for a motion.").

applied to library references filed by a party with its case (presumably in support of its case), as can be applied to those library references filed by the same party in response to a request from some opposing party.

The Postal Service continues to believe that these and similar questions would be best addressed at an informal conference, where parties and the Commission could explore problems and solutions more efficiently than through the written comment and reply process. It is particularly important to keep any new procedures *sharply focused, in order to avoid creating unnecessary effort where no problems exist.*

Such an informal conference would be much less extensive in scope than the informal conference suggested by the Postal Service in its initial comments, since it would have a more narrow focus. The Postal Service envisions a discussion that could be structured around the list of library references filed by the Postal Service in Docket No. R97-1, in the context of the categories of library references tentatively identified by the Postal Service in its initial comments, and described in greater detail below. *The purpose of such a discussion would be to discuss how such material might be filed in future rate cases, without extraneous effort, to best fulfill the needs of the parties and the Commission.*

The remainder of these comments is organized as follows. As noted above, the Postal Service believes that the most critical need is to identify categories of library references that could be fully or partially exempted from the new procedures. The Postal Service also believes, however, that some of the proposed new

procedures are themselves problematic. In some instances, proposed procedures could create problems no matter how narrowly the scope of the material to which they were applied is limited. In other instances, a procedure might be acceptable if the scope of its application could be appropriately limited. Therefore, to begin, we will identify those portions of the new procedures that may create problems, recognizing that some of the concerns identified might diminish in importance if not all library reference material is subject to them.

Second, the Postal Service will outline categories of library references which could be used to better focus the new procedures. Each category will be defined, and the potential applicability of the proposed new procedures will be discussed in the context of the unique characteristics of that category. Even if some or all of these categories were not explicitly incorporated into the rule, they would at least provide a useful basis to structure a discussion of library reference issues at an informal conference.

I. General Comments

With or without an informal conference, the Postal Service submits that a substantial amount of give-and-take is essential for a ratemaking process to work as smoothly as possible. On pages 2 and 9, Order No. 1223 states the view that library references are primarily a convenience for the party filing such material. As noted in the initial comments filed by the Postal Service and others, however, library references, if used appropriately, can be a convenience for all.

For example, Order No. 1223 at page 2 asserts that library references stand

as an exception to the Commission's service requirements. This characterization, however, does not necessarily follow from the rules. Consider a very typical situation, in which a party requests that the Postal Service produce a large document or a set of materials. The Postal Service usually files a copy of such a document as a library reference, along with an answer identifying the relevant library reference.³ That procedure seems to have worked well for all concerned. Commission Rule 26 (requests for production of documents), however, creates no obligation to serve any participant with a copy of the material. The rule only requires that the requested material be made available for inspection and copying. In this circumstance, filing the requested material as a library reference is not an exception to the Commission's service requirements, but may be a convenience to all interested parties, who have access to the library reference, but would not have access if the requesting party was simply invited to come over and make its own copy.⁴

³ Actually, it is standard practice to make three copies of library references available -- one at the Commission and two at the Postal Service's own library. In earlier dockets, the Postal Service had offered to provide two copies of library references to the Commission's docket section, but that offer was declined. Now the Commission has proposed to amend the rules to require two copies. Order No. 1223 at 8, 11. In many instances, such a requirement appears to be quite reasonable. Once again, however, there might be one or more entire categories of library references where such a requirement is not necessarily reasonable. As noted above, it may be possible to improve on the "one size fits all" approach to procedures. This is but one more example of a need to carefully consider such a possibility.

⁴ Perhaps the greatest convenience of having requested material provided as a library reference comes when the requesting party wishes to ensure that the material provided obtains evidentiary status. If requested material is provided with an answer identifying the library reference in which it has been provided, that answer can be designated into evidence and transcribed, and presumably, the material submitted within the library reference thereby achieves evidentiary status. If, however, the answer only

This has particular relevance in the context of proposed Rule 31(b)(2)(i)(b), which apparently would establish the right of any party to request and receive a copy of some library references, putting the burden of making the copy on the party that files them. Under such a rule, when a voluminous document is requested, the responding party might find it more convenient to respond simply by inviting the requester to come over and make its own copy (in accord with Rule 26), rather than by filing a copy as a library reference (as under current practice). In other words, the proposed requirement could create a disincentive for a party to furnish material as a library reference if the consequence were to subject the party to multiple requests for copies from several separate intervenors. This result would seem particularly troubling when compared with practice under the existing rules, in which all parties conceivably could have access to an electronic version on the Commission's website, if the material had been submitted as a library reference.

Order No. 1223 at pages 7-8 makes clear that the Commission is cognizant of the potentially adverse effects of a provision granting parties the absolute right to demand their own copies of every library reference. Accordingly, limitations have apparently been incorporated into subsections 31(b)(2)(i)(a) and (b). It would appear that those subsections might be adequate to deter inappropriate demands for copies. Their applicability, however, hinges upon which subsection of Rule 31(b)(2)(i) is

indicates that the requesting party can come and make a copy -- in compliance with Rule 26 -- there is not necessarily any transparent way for the requesting party to get the material it has copied into evidence without providing its own sponsoring witness. Once again, this demonstrates the convenience of the library reference convention to all parties, not just the filing party.

asserted by the filing party to be appropriate. It is conceivable that disputes could arise as to whether the appropriate subsection has been applied. The Postal Service has serious concerns about any draft provision which might be construed to entitle parties to copies of substantial portions of the set of library references filed with the case. In this respect, directly limiting application of the "extra copy" provisions of the proposed procedures by reference to the categories suggested by the Postal Service and outlined below would likely be more effective.⁵

In past general rate cases, the Postal Service typically has not filed as a "library reference" material it intended to be admitted directly into the evidentiary record.⁶ Rather, such material has been filed as testimony.⁷ In Docket No. R97-1, however, this historical practice may have become obscured. As a result of the

⁵ This is another area where discussion at an informal conference might be useful.

⁶ This discussion relates only to those library references included with the Postal Service's initial submission, or to accompany rebuttal testimony. Whether or not library references filed by the Postal Service in response to discovery requests appear in the evidentiary record depends not on the intentions of the Postal Service, but instead on whether they are designated by other parties.

⁷ It has long been unclear whether certain material might indirectly appear in the evidentiary record, in the sense that it has been either implicitly or explicitly incorporated by reference. For example, it is clear that workpapers do not directly appear in the evidentiary record -- i.e., a search through the certified record will reveal no workpapers. Does that mean that they are excluded from the evidentiary record? It has long been assumed (although never tested) that material which appears in workpapers can be relied upon as if it appeared in the testimony itself. Moreover, to the extent that library references closely associated with the testimony of a witness have performed the exact same function as workpapers, any presumption afforded to workpapers would reasonably apply to them as well. In this pleading, the Postal Service does not intend to reject the conclusion that witness support material may indirectly be part of the record. The intention herein is merely to point out that unless something appears in the certified record, it could be argued that it is not directly in the record.

events of that proceeding, the Postal Service now anticipates (and would even in the absence of this rulemaking) that more material of the type that in the past might have been submitted as library references will simply be filed as testimony.

Notwithstanding this adjustment, however, the expectation will continue that anything submitted with the initial filing as a library reference will not be anticipated to appear directly in the evidentiary record, barring intervening circumstances (such as a request from another party).⁸

Given the uncertainty generated by Docket No. R97-1, it is not unreasonable for the rules in some circumstances to require the provision of information concerning who contributed to the preparation of the material, whether there is any anticipation of the material being entered into evidence, and, if so, who would be its sponsor. Under proposed Rule 31(b)(2)(ii), that information would be required to be provided as part of the notice served on all parties at the time of filing.

While these provisions of proposed Rule 31(b)(2)(ii) appear reasonable, similar provisions in proposed Rule 31(b)(2)(iii) do not. Specifically, the Postal Service has concerns about proposed Rule 31(2)(iii)(c), which would require a preface or summary included with the library reference itself to indicate:

(c) the identity of the witness or witnesses who will be sponsoring the material or the reason why a sponsoring witness or witnesses cannot be identified[.]

First of all, in general content, this information would be redundant with respect to

⁸ This statement of expectation, however, does not address the matter of indirect incorporation as evidence, as discussed in the above footnote.

any relevant information provided with the notice, pursuant to Rule 31(b)(2)(ii). Perhaps more importantly, however, the wording of this provisions implies an inconsistency with Rule 31(b)(2)(ii). Subsection (ii) makes clear that library references may be anticipated to be sponsored by witnesses or not, based on the *good-faith intentions of the filing party*. Subsection (iii)(c), however, appears to presume that a "witness or witnesses will be sponsoring the library reference." Only when a sponsoring witness "cannot be identified" would no witness need to be identified, apparently even if the filing party does not anticipate filing the material as evidence. This conflicts with the clear intent of proposed section (ii). Apart from its fundamental redundancy, this apparent conflict warrants deletion of proposed Rule 31(b)(2)(iii)(c).

II. Section-by-Section Analysis

Subsection 31(b)(2)(i)

In addition to those related comments included in other sections of this pleading, the Postal Service submits the following comments on proposed subsection 31(b)(2)(i). In general, the purpose of this subsection is to attempt to put some limits on the types of circumstances under which library references can be filed. The Postal Service is not convinced that creating such limits is either necessary or wise. As a practical matter, however, the provisions of this subsection appear to be broad enough to cover any of the types of circumstances in which library references have previously been employed, and therefore the Postal Service has no general objection

to this subsection.⁹

Subsection 31(b)(2)(ii)

In addition to those related comments included in other sections of this pleading, the Postal Service submits the following comments on proposed subsection 31(b)(2)(ii). *In general, the purpose of this subsection is to outline the required contents of the notice regarding a library reference that must be served on the parties. The Postal Service agrees that expanding the content of library reference notices is an area in which improvement is possible. We suggest, however, that the list of requirements should be slightly less inclusive.*

Specifically, it seems reasonable to require a description of the contents of the library reference, and an explanation of how it relates to other material in the case (*including testimony, exhibits, or interrogatories*). These matters are covered by proposed subsections (ii)(a) and (b). With respect to subsection (ii)(d), if the filing party knows that it intends to seek direct admission of the contents into evidence, it is reasonable to require an affirmative statement to that effect, and the identity of the expected sponsor. If material is not intended to become evidence, however, no affirmative statement would seem necessary. In other words, failure to address the matter in the notice could simply be equated with the lack of any existing intent on

⁹ The Postal Service believes that it has an adequate understanding of what is intended to be encompassed by the term "secondary source" as used within proposed subsection (i)(c). Nonetheless, without any particular alternative to recommend (except in the context of our own proposed categories), we note the possibility that the inherent subjectivity of the term's definition may give rise to future controversy.

the part of the filing party to seek direct admission of the material into evidence. That would presumably apply in the vast majority of instances.

With respect to other portions of the subsection, the Postal Service submits that proposed subsection (ii)(c) can safely be omitted. It is simply unclear why a special provision of the rule should be devoted exclusively to an indication of whether the contents include "a survey or survey results" (as opposed to any other type of content), although normally (if not always), that type of information would seem likely to be disclosed in the parts of the notice describing its contents.

Other proposed provisions seemed to be of mixed utility. The suggestion that the notice include some indication of why the material is being submitted as a library reference is understandable in the abstract, but in practice the reasons are usually fairly obvious. This is especially true in situations involving entire categories of material which the Postal Service is suggesting should be exempted from the rules.¹⁰

The Postal Service also has concerns about the provision requiring the identification of "authors or others materially contributing to the preparation of the library reference." The rationale behind this proposal seems reasonable. In certain instances, requiring general information concerning the types of individuals who prepared the library reference makes good sense. There are other instances, however, in which such information would appear far less useful. For example, when a witness is requested to provide a spreadsheet, and an electronic version of that

¹⁰ This is another topic that could be sorted through at an informal conference.

spreadsheet is submitted as a library reference, why require the identify of individuals who only assisted in the preparation of the spreadsheet?¹¹ As in other instances, however, the importance of this concern could be greatly diminished, depending on whether or not certain categories of material are excluded from the scope of the rules.

Lastly, on a purely editorial matter, on page 11 of Order No. 1223, the fifth line of proposed subsection 31(b)(2)(ii) includes a reference to "section 31(2)(i)" which should read "section 31(b)(2)(i)."

Subsection 31(b)(2)(iii)

In addition to those related comments included in other sections of this pleading, the Postal Service submits the following comments on proposed subsection 31(b)(2)(iii). In general, the purpose of this subsection is to identify the information that must be presented with the library reference itself. To the extent that the information identified is necessary, the Postal Service believes that, in the vast majority of instances in the past, it was already being provided. Moreover, not all of the information identified is necessary.

Proposed Rule 31(b)(2)(iii) requires library references to include specific information in a preface or summary. Some library references, however, consist of pre-existing, published documents. For example, in Docket No. R97-1, USPS-LR-H-

¹¹ Clearly, no such requirement would apply if the witness were only to provide a hard-copy version of the spreadsheet as an attachment to an interrogatory response.

147 consisted of a copy of the MODS handbook, Handbook M-32.¹² Particularly with a document that was bound at the time of its original printing, it may be difficult or impossible to include a preface or summary, as the proposed rule would require. Nor would it be necessary, if the notice provided at the time of filing were adequate.¹³

As explained above, subsection (iii)(c) (regarding sponsorship) should be deleted, in favor of the similar provision in subsection 31(b)(2)(ii). Furthermore, the Postal Service has concerns regarding subsection (iii)(d), which requires identification of "other library references or testimony that utilize information or conclusion developed therein." To the extent that application of this provision would require material which was developed primarily to support a particular study or testimony to so indicate, the Postal Service has no objection. To the extent that this provision requires an exhaustive list of all **downstream** testimony or library references, however, the Postal Service submits that it could be problematic. Not infrequently,

¹² Other examples of previously printed material include other handbooks (LR-H-133, 231, 237, 239, 258), collective bargaining material (LR-H-88, 238, 253, 271, 283), and maps and zone charts (LR-H-233, 276).

¹³ The function of library references consisting of reference material is usually to provide additional information relating to a topic discussed in the testimony of a witness, and they should not be expected to appear as *free-standing or primary documents*. Thus, it is important that the reader of a piece of testimony on mail processing costing (e.g., USPS-T-14 at 25) be informed that additional relevant information is contained in LR-H-147. It is, however, totally irrelevant whether someone can pick up LR-H-147 and be able to satisfy his or her curiosity as to the testimony to which it relates. As is clear from the workpaper rule, Rule 54(o)(4), *documentation is intended to start with testimony and work backwards*; there is no purpose to starting with supporting material such as library references and working forward.

when a library reference is being prepared, there simply is no basis to know all of the other contributors to the case who will find it necessary to cite material presented in that library reference. As long as each of the end-users cites back to the appropriate library reference, this situation should not create a problem. As stated above, documentation is a process that is only intended to work in one direction -- from end user back upstream to source documents. It is impractical to expect an exhaustive list of downstream citations with every library reference.

On the other hand, the Postal Service agrees that every library reference should indicate the relevant proceeding and the identity of the filing party. The Postal Service typically provides this information on the printed label of every library reference (e.g., Docket No. xx, USPS-LR-yy). It is unclear why that information would need to be repeated in the preface. The Postal Service also agrees that any library reference which is an update or revision of previously filed material should clearly identify that material.

Subsection 31(b)(2)(iv)

In addition to those related comments included in other sections of this pleading, the Postal Service submits the following comments on proposed subsection 31(b)(2)(iv). This subsection requires that each library reference shall also be made available in an electronic version, absent a showing of why such a version cannot, or should not, be supplied. In reality, the universe of library references can largely be bifurcated into those which exist as library references because they are entirely electronic or have an electronic component, and those which consist of voluminous

hard-copy material for which no electronic version is available. In this respect, we observe that, increasingly, voluminous hard-copy material is not likely to be filed if an electronic version could be filed more easily. Consequently, the intended result of this provision, namely, that electronic versions be filed when available, will be substantially achieved with or without any formal rule change such as proposed subsection (iv).

The Postal Service is certainly willing to cooperate on matters within the scope of this proposed rule. Unless someone can identify problem situations upon which this proposed subsection would have a useful impact, however, the Postal Service would prefer a rule which simply encouraged parties to provide electronic versions of library reference material whenever possible.¹⁴

III. Suggested Categories

In this section, the Postal Service seeks to identify categories of material that have customarily been filed as library references, and to discuss why certain categories should be fully or partially exempted from new filing procedures. Overall, this is an attempt to focus the impact of any new rules on those areas where problems are likely to occur, and to avoid imposing potentially onerous new requirements in situations where no one will benefit from adding to the already substantial burdens of preparing and litigating postal rate changes. To aid in this

¹⁴ This presents another issue where the Postal Service believes it would be highly useful for parties to be able to exchange views informally on whether there are material shortcomings that need to be addressed.

objective, attached to these comments is the list of library references filed by the Postal Service in the most recent general rate case, Docket No. R97-1. On the attached list, for illustrative purposes, each item has been classified into one of the six proposed categories.¹⁵ This list should provide a more concrete understanding of what types of material could be included within each category, and why the Postal Service is proposing to treat it accordingly. Generally speaking, library references on the list numbered H-214 and below were filed with the case on July 10, 1997, and those numbered H-215 and above were filed thereafter.

Category 1: Reporting Systems Material

Description: This category would consist of those library references which relate to the Postal Service's statistical cost and revenue reporting systems, and the primary outputs thereof. It could be further divided into two subcategories, Category 1A and Category 1B. Category 1A would consist of documentation materials (e.g., users guides, handbooks, manuals, ADP documentation), and computer programs (e.g., source code listings). Category 1B would consist of data (input and output) generated by the reporting systems, the customary reports in which the data are presented, and any interim data compilations generated in the process of producing

¹⁵ It may be noted that the categories are not necessarily mutually exclusive. For example, a Category 1 item (reporting system material) such as a sampling system handbook could also be a Category 3 item (pure reference material), as could a similar manual filed in response to discovery (Category 4). It does not appear, however, that such overlaps affect the following discussion in any material way.

final reports.¹⁶

Category 1 relates to data **systems**, i.e., those processes which are repeated on a periodic basis to generate necessary data. Category 1 would thus exclude any special or one-time studies, even those that utilize input data from the primary data systems. Within Category 1, the simplest way to distinguish Category 1A from Category 1B would be by *change in content*. Category 1A material might remain unchanged in content from year to year. For example, a manual or computer program relating to a particular system could be identical in content, or virtually identical in content, over a period of several years. In contrast, although Category 1B material might remain virtually identical **in format**, because it contains actual recorded data specific to the reporting period in question, its content will necessarily change from period to period. Yet, in any period, the content of Category 1B material would reflect the output of a data **system**, rather than any individual special study or analysis.

Discussion: Although it may be useful to distinguish conceptually between Category 1A and Category 1B, as a practical matter, there does not appear to be any reason to subject the two types of material to different procedures. Generally, Category 1 material, when presented as library references, has simply not been the

¹⁶ For example, to the extent that one considers the CRA report to be the "final" report, one could also consider the Cost Segments and Components report to be an "interim" data compilation, in the sense that it is produced first and the information it contains is then aggregated into the information presented in the CRA report. Of course, in most other contexts, the Cost Segments and Components report could also be considered a "final" report on its own.

source of any procedural controversy. Submission of Category 1 material as library references has usually been the most reasonable and practical way to comply with various technical requirements within Commission Rules 31 and 54 regarding system documentation and output. Quite likely, much of this material (particularly Category 1A) is not closely examined, except, perhaps in some instances, by the Commission's staff. *This tends to be a function of the sheer volume of the material in question, the fact that its content and/or format tends to be relatively stable between cases, and the fact that its systemic nature reasonably confers some presumption of regularity and reliability.*¹⁷

The Postal Service suggests that Category 1 material filed as a library reference be exempted from most of the requirements of the proposed new rules. The Postal Service should be allowed to file Category 1 library references with a *notice similar to that which has been utilized in prior cases, identifying each such library reference as Category 1 (or whatever alternative nomenclature is adopted).* Electronic versions would be filed whenever possible, as under current practice, and the number of copies provided to the Commission could be increased from one to two. With electronic versions of many items available on the web, and multiple hard

¹⁷ Unlike a new special study, which requires development of a baseline set of assumptions and procedures, an established data reporting system is much less subject to conscious manipulation or inadvertently-adopted false premises. This is not to suggest that data systems and their outputs are never the source of controversy. But, any such controversies usually arise out of changes to the systems, and such changes are usually highlighted in the testimony of Postal Service witnesses. Therefore, any controversies tend to converge around the testimonies, and the more mundane details of the relatively stable nuts-and-bolts of the reporting systems neither generate nor warrant extraordinary attention.

copies of all other items available at the Commission and at the Postal Service's library, the burden of making additional copies should continue to be borne by the parties wishing to have them.

The Postal Service is unaware of any instances in which parties or the Commission have had any significant difficulty in assessing what Category 1 library references have contained, how they fit into the Postal Service's case, whether or not a survey was included, or whether the Postal Service intended to seek admission of the material into evidence. Therefore, Category 1 items should not be subject to the provisions of proposed Rule 31(2)(ii)(a-d).

Category 2: Witness Foundational Material

Description: This category would consist of those materials which relate to the testimonies of specific witnesses. In general, these provide access to the information identified by Rule 31 as necessary to the establishment of a proper foundation for the receipt into evidence of the results of certain studies and analyses. Typically, much of this information is provided, at least in part, in electronic format.

Discussion: The Postal Service has traditionally provided background material for specific witnesses using two procedural devices: workpapers (Rule 54(o)) and library references. Library references have increasingly been used as more information has been provided in electronic format.¹⁸ In fact, many parties other

¹⁸ Over the years, a strong preference for filing electronic material as library references has arisen from the requirement in Rule 54(o) to provide seven copies of workpapers. Thus, for example, if there were a question whether to file a data set

than the Postal Service typically designate all of their workpapers as library references.¹⁹ To the extent that a library reference is the functional equivalent of a workpaper, there is no reason why it should be handled under different procedures. Under the proposed rules, however, different procedures would apply, and substantial incentives to avoid using library references would be created.

There are two potential responses to this situation. If the proposed rules were adopted in their current form, the Postal Service would probably respond simply by ceasing to file any of this material as library references, and by converting it all to workpapers. To the Postal Service, that would appear to be suboptimal.²⁰ If that is what the parties and the Commission believe to be best, however, it would be useful to know that.

Our preferred solution would be to exempt library references relating directly to the testimony of a specific witness from the scope of the new rules, as long as:

- 1) the library references clearly indicate the identity of the testimonies with

residing on 9-track tapes as a workpaper (7 copies) or as a library reference (1 copy), common sense suggested that 6 additional copies of the tapes sitting in the Commission's docket section would benefit no one. Therefore, the practice evolved of filing any electronic material as a library reference.

¹⁹ Because this allows all support material to be encompassed within one numbering convention, this practice has appeal. It might be worthwhile for the Postal Service to adopt this practice as well, although the sheer volume of base year and rollforward workpapers would make this somewhat more complicated for the Postal Service than for other parties.

²⁰ This is because, if for no other reason, it would require the production and filing of many redundant copies of diskettes and/or CD-ROMs. On the other hand, the Commission could remedy that situation rather easily by amending Rule 54(o)(1) to require fewer (e.g., 1, 2, or 3, rather than 7) copies of workpapers that are provided in electronic format.

which they are associated, and

2) the associated testimonies clearly explain the content and purpose of all associated workpapers and library references. See, e.g., Docket No. R97-1, USPS-T-6 at 23-25 (Tolley).

Admittedly, fulfilling these conditions would require the Postal Service to identify explicitly within each testimony the relevant supporting material, which it has not always done consistently in the past. With that caveat, as with Category 1, the Postal Service should be allowed to file Category 2 library references with a notice similar to that which has been utilized in prior cases, identifying each such library reference as Category 2 (or whatever alternative nomenclature is adopted).

Category 3: Pure Reference Material

Description: This category would consist of previously published material that is provided for the convenience of the reader. It includes materials such as entire books, portions of books, articles, reports, manuals, handbooks, contracts, etc.

Discussion: Pure reference material is the prototypical library reference. Every effort should be made to facilitate, rather than complicate, the process by which parties provide access to the reference material they are citing. Sometimes the accuracy and reliability of reference material are not at issue and are above controversy. For example, the terms of a labor agreement speak for themselves. Other times, the contents might be hotly contested, such as with respect to disputed findings contained in an unsponsored GAO report. In all instances, however, the mechanics of the process by which parties have customarily identified and provided

access to the material in question have operated effectively. Those mechanics have been to lodge a copy as a library reference and file a notice with all parties. There is no identified need to change this practice, and therefore pure reference material should be exempted from the proposed procedures, other than to increase the number of copies filed from one to two, if possible.²¹ As under current practice, the responsibility for making additional copies of Category 3 material should fall on those parties desiring such copies.²²

Category 4: Material Provided in Response to Discovery

Description: This category would consist of material provided in response to discovery requests. In the past, when such material was submitted as a library reference, it was generally either because it was too voluminous to attach to a response and serve on all parties, or because it existed in electronic format (either by request, or because that was the most practical way to provide the requested information).

Discussion: Submission of responses to certain types of discovery requests as

²¹ Although it cannot hurt to request an electronic version of pure reference material, because most of it has been produced other than by a party to the proceeding, and at some time in the near or distant past, it is unlikely that an electronic version of most such material would be available.

²² This is not to suggest that parties with extra copies would be precluded from sharing those copies with parties who request them, but there should be no formal obligation to make additional copies beyond what is put on file with the Commission. As discussed earlier, this is entirely consistent with Commission Rule 26 regarding requests for the production of documents.

library references is routine, and does not appear to have been the source of any significant controversy. Once again, the question arises as to why any change in procedures would be warranted.

One possible exception might be the issue, discussed above, of interested parties' entitlement to their own copies. In principle, the Postal Service agrees that it is not unreasonable to conclude that, in exchange for not having to attach voluminous material to a discovery response and serve it on all parties, a party choosing instead to provide such material as a library reference should generally be willing to make individual copies for the requesting party, and perhaps for several other interested parties as well. In practice, the Postal Service would hope that, even without any formal obligations imposed by a rule, it would be in a position to accommodate other parties under such circumstances. Indeed, it has often done so in the past.

Several points bear mention, however. First, as noted earlier, Rule 26 does not strictly require service of documents, regardless of their size. Obviously, the Postal Service does not contemplate any wholesale revision of the practice it shares with all other parties of serving most such documents as attachments to the response despite the lack of a requirement to do so. Nonetheless, if the question is whether additional formal obligations should be imposed, it is important to understand correctly the nature of the existing formal obligations.

Second, a concern arises that any time parties are granted the right to obtain something at no cost to themselves, the potential for abuse is created. Under current practice, a party that might be interested in a library reference goes to either the

Commission or the Postal Service library, reviews the material, and decides whether or not to make its own copy. In contrast, under the proposed rules, a party with perhaps only minimal interest could decide that the easiest thing to do would be to obligate the filing party to furnish a copy, and only then review the matter closely to determine its true level of interest. While one hopes that such practices would not evolve, the proposed rules clearly create the potential for this type of behavior.²³

It seems very clear that the additional types of information sought to be elicited by proposed subsections 31(b)(2)(ii) and (iii) are unnecessary in the context of a library reference furnished by a witness in response to a discovery request. For example, it is obvious that the witness responding is the one who would be sponsoring the material if some other party were to want to put his or her response into evidence. It is equally obvious that the determination to seek to enter the material into evidence will be made by some party other than the responding party, who is in a uniquely poor position to shed any light on whether or not the response will be designated. The responding party might also be in a poor position to explain how the material relates to issues in the proceeding, when all that party is doing is responding to another party's request. Overall, there is no apparent justification for invoking the proposed new rules to deal with library references filed in response to discovery requests.²⁴

²³ Overall, this is yet another topic that the Postal Service believes could be fruitfully addressed at an informal conference.

²⁴ While the proposed new rules would require explicit identification of the discovery request in response to which the material is provided, the Postal Service is unaware that

In contrast to library references that accompany a witness response to a discovery request, however, it might make more sense to apply the proposed procedures to those that accompany an institutional response. In situations in which no witness is associated with the material, its origin may become more relevant. Once again, however, questions concerning how it relates to the case of the responding party, and whether or not any party intends to move it into evidence, are not particularly applicable.

Category 5: Disassociated Material

Description: This category would consist of material provided by a party, at the request of someone else, from which the filing party wished to be disassociated. In effect, it would be material filed "under protest," when the filing party wishes to make clear that it is neither vouching for, nor sponsoring in any way, the material it is providing.

Discussion: This is a relatively new body of material. Such a category becomes more relevant as more instances arise in which parties are directed, either by specific order or request of the Presiding Officer, or by rule, to provide the results of analyses using methodologies other than those they believe to be most appropriate. Compared with other categories, however, this type of library reference

there have been any major shortcomings in that respect. Examination of the attached list shows that many LR titles already include that information, and the Postal Service can commit to correcting any deficiencies in that regard without the need for a formal rule.

is still relatively rare. Given that, it is probably useful to apply the new procedures to this material just to heighten the distinction between material provided in response to requests which witnesses are nonetheless willing to sponsor, and material which the providing party is unwilling to sponsor. It is, however, in the context of this material that the determination to abandon a "motions approach" and take a "notice approach" makes the most sense.

Category 6: All Other Material

Description: This category would consist of library references which do not fit within Categories 1-5.

Discussion: To the extent that legitimate controversy arose in Docket No. R97-1 regarding library references, the library references involved were Category 6 material. Consequently, it is with respect to this material that it is most rational to impose new procedures which might alleviate at least some of the potential issues that arose in Docket No. R97-1. Specifically, it makes sense for the Postal Service (if it is the filing party) to do a better job explaining what these materials are, where they came from, who contributed to their creation, how they fit into its case, and what, in general, are the other materials in the case (or in previous cases) to which they relate. To the extent that the proposed new procedures are consistent with these purposes, the Postal Service does not oppose their application to Category 6 material.

IV. Conclusion

At page 4 of Order No. 1223, the Commission states its hope that, as amended in that Order, "the proposed rules will be largely noncontroversial, and subject to rapid implementation." While it is evident from these comments that the Postal Service does not share this overall assessment, we may not be as far away from a balanced consensus as might appear. The Postal Service respectfully suggests that the most simple and direct way to minimize remaining controversy would be for the Commission to convene an informal conference, in which the issues raised herein can be address and, potentially, resolved. Ideally, from the perspective of the Postal Service, the result would be rules which are less expansive in scope, but which establish procedures which are not all that different from those presented within the current Commission proposal.

The objectives of the Postal Service in this rulemaking can be summarized as follows:

- 1) Useful new procedures that will not unnecessarily impair the Postal Service's ability to complete preparations for submission of a request for *a recommended decision in the most expeditious manner possible*; and
- 2) Useful new procedures that will not unnecessarily impair the Postal Service's ability to maintain a smooth and timely flow of information in response to discovery requests.

The Postal Service submits that the key to addressing these objectives successfully will be to identify large categories of material that have been filed as library references in the past without difficulties, and to tailor the proposed rules to eliminate or minimize their applicability to such material. The Postal Service is most concerned

about material relating to reporting systems, and material closely associated with the testimony of a witness (whether filed as a library reference or a workpaper). The Postal Service has suggested potential categories in these comments, and respectfully requests that the Commission convene an informal conference to explore how these or similar bases for distinction can be incorporated into the rules, in a manner that best satisfies the needs of the Commission and the parties.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking


Eric P. Koetting

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.


Eric P. Koetting

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February 1, 1999

**R97-1 Library References List
Classified into Categories 1-6
For Docket No. RM98-2**

For illustrative purposes, the following list shows how the library references filed by the Postal Service in Docket No. R97-1 could have been categorized under the six categories defined in the text of the Postal Service's further comments in Docket No. RM98-2. Note that for those materials provided with the filing on July 10, 1997, these classifications reflect how the material could have been classified at that time. As events subsequently developed, a substantial number of items filed on July 10, 1997, and classified as Category 2 or Category 6 on this listing were sponsored into evidence as supplemental testimony, but no attempt has been made to reflect that herein. Briefly, the categories are:

Category 1A	Reporting Systems (Documentation)
Category 1B	Reporting Systems (Data/Reports)
Category 2	Witness Support Material
Category 3	Reference Material
Category 4	Discovery Response Material
Category 5	Disassociated Material
Category 6	All Other Material

Category

1B	H-1	Summary Description of USPS Development of Costs by Segments and Components, FY 1996
1B	H-2	USPS Cost and Revenue Analysis, FY 1996
1B	H-3	Development of Cost Segments and Components Report, FY 1996 Final Adjustment Report, FY 1996
2	H-4	Base Year / Roll Forward, Input Data Files
2	H-5	Base Year / Roll Forward, Processing Documentation Reports
2	H-6	Base Year / Roll Forward {2 CD-ROMs}
2	H-7	Base Year and Roll Forward, Costs Diskette {1}
2	H-8	Roll Forward Test Year Volume Variable Cost Footnotes

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2	H-9	Reconciliation of FY 1996 Statement of Revenues and Expenses to Audited Financial Statements and Reallocation of Expenses by Component {Diskette}
2	H-10	Explanation of Cost Reductions and Other Programs
1B	H-11	Estimated Functional Accrued Costs by Subfunctions and Cost Categories (1 Diskette)
2	H-12	Roll Forward Expense Factors (1 Diskette)
1A	H-13	Statistical Programs Guidelines, Special Classification Reform
1A	H-14	In-Office Cost System (IOCS), Checking and Verification Procedures
1A	H-15	In-Office Cost System (IOCS), Computer System Documentation Description
1B	H-16	In-Office Cost System (IOCS), Listing of Input Data
1B	H-17	In-Office Cost System (IOCS), Machine-Readable Copy of Data Bases {CD Rom}
1A	H-18	In-Office Cost System (IOCS), Postal Service ADP Documentation, In-Office Cost Coding and Editing Subsystem
1A	H-19	In-Office Cost System (IOCS), Postal Service ADP Documentation, Cost Weighting Subsystem
1A	H-20	In-Office Cost System (IOCS), Source Code Listings (Part 1 of 2)
1A	H-21	In-Office Cost System (IOCS), Source Programs in Machine-Readable Form {CD Rom}
1B	H-22	In-Office Cost System (IOCS), Listing of Output Data
1B	H-23	In-Office Cost System (IOCS), Machine-readable Copy of Output Data
1A	H-24	IOCS Tally Analysis Documentation
1A	H-25	Carrier Cost Systems, Handbooks F-56 and F-55 (Test

Instructions), and Form 2848

1A	H-26	Carrier Cost Systems, Computer System Documentation Description
1B	H-27	Carrier Cost Systems, Listing of Input Data
1B	H-28	Carrier Cost Systems, Machine-Readable Copy of Data Bases {CD Rom}
1A	H-29	Carrier Cost Systems, Postal Service ADP Documentation, Carrier Sample Selection
1A	H-30	Carrier Cost Systems, Postal Service ADP Documentation, City Carrier Cost Subsystem
1A	H-31	Carrier Cost Systems, Postal Service ADP Documentation, Rural Carrier Cost Subsystem
1A	H-32	City Carrier Distribution Key Development Source Code and Program Outputs
1A	H-33	Rural Carrier Distribution Key Development Source Code and Program Outputs
1A	H-34	Carrier Cost Systems, Source Code Listings
1A	H-35	Carrier Cost Systems, Source Programs in Machine-readable Form
1B	H-36	Carrier Cost Systems, Listing of Output Data
1B	H-37	Carrier Cost Systems, Machine-Readable Copy of Output Data
1A	H-38	Revenue, Pieces, and Weight System (RPW), System Documentation Description
1B	H-39	Revenue, Pieces, and Weight System (RPW), Listing of Input Data, Domestic RPW
1B	H-40	Revenue, Pieces, and Weight System (RPW), Machine-Readable Copy of Input Data

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1A	H-41	Revenue, Pieces, and Weight System (RPW), Postal Service ADP Documentation, Domestic RPW
1A	H-42	Revenue, Pieces, and Weight System (RPW), Postal Service System Documentation, Bulk Mail
1A	H-43	Lotus 123 Spreadsheet - RPW Adjustment System
1A	H-44	Revenue, Pieces, and Weight System (RPW), Source Code Listings, Domestic RPW
1A	H-45	Revenue, Pieces, and Weight System (RPW), Source Programs in Machine-readable Form, Domestic RPW {CD Rom}
1B	H-46	Revenue, Pieces, and Weight System (RPW), Listing of Output Data
1B	H-47	Revenue, Pieces, and Weight System (RPW), Machine-readable Copy of Output Data {Diskette}
1A	H-48	CODES - IOCS, Computer System Documentation Description
1A	H-49	CODES - IOCS, Data Entry, User's Guide
1A	H-50	CODES - IOCS, Postal Service ADP Documentation, Data Entry and Base Unit
1A	H-51	CODES - IOCS, Postal Service ADP Documentation, Mainframe
1A	H-52	CODES - IOCS, Source Code Listings
1A	H-53	CODES - IOCS, Source Programs in Machine-Readable Form (Diskettes)
1A	H-54	CODES - RPW, Computer System Documentation Description
1A	H-55	CODES - RPW, Data Entry, Users' Guide and Postal Service ADP Documentation
1A	H-56	CODES - RPW, Base Unit, Procedures Guide and Postal Service ADP Documentation Base Unit
1A	H-57	CODES - RPW, Postal Service ADP Documentation, Mainframe

1A	H-58	CODES - RPW, Source Code Listings
1A	H-59	CODES - RPW, Source Programs in Machine-Readable Form {Diskettes}
1A	H-60	CODES - TRACS Computer System Documentation Description
1A	H-61	CODES - TRACS, Postal Service ADP Documentation (Data Entry)
1A	H-62	CODES - TRACS, Postal Service ADP Documentation (Base Unit)
1A	H-63	CODES - TRACS, Technical Application Guide, Mainframe
1A	H-64	Transportation Cost System (TRACS) CODES TRACS, Source Code Listings
1A	H-65	CODES - TRACS, Source Code in Machine-Readable Form
1A	H-66	CODES-CCS Computer System Documentation Description
1A	H-67	CODES-CCS Documentation and Users' Guide for City Carrier Costs
1A	H-68	CODES-CCS Documentation and Users' Guide for Rural Carrier Costs
1A	H-69	CODES-CCS Documentation and Base Unit Procedures Guide
1A	H-70	CODES-CCS Technical Application Guide and Mainframe Documentation
1A	H-71	CODES-CCS Source Code Listings And Source Code in Machine-Readable Form
1A	H-72	Permit System, User Guide and Periodical User Guide
1A	H-73	Permit System, Computer System Documentation Description
1A	H-74	Permit System, Machine-Readable Copy of Source Code {Diskette}

1A	H-75	Permit System, Postal Service ADP Documentation
1A	H-76	Permit System, Source Code Listings
6	H-77	Development of Piggyback and Related Factors {Diskette}
1A	H-78	TRACS Sample Design and Executive Summary Update
1A	H-79	TRACS Air Sample Design Programs and Documentation
1A	H-80	TRACS AMTRAK Sample Design and Edit Check Programs and Documentation
1A	H-81	TRACS Eagle Network FY96 Distribution Key Development Programs and Documentation
1A	H-82	TRACS Highway Sample Design Programs and Documentation
1A	H-83	TRACS Rail Edit Check and Estimation Programs and Documentation
1B	H-84	TRACS Data Files and Programs in Machine-Readable Format {4 CD-ROMs and a diskette}
6	H-85	CNET Distribution Key Development Programs and Documentation
2	H-86	Diskette of Witness Patelunas's Spreadsheets for Appendices A through D and Exhibit USPS-15A (USPS-T-15)
1B	H-87	Transportation Model in Machine-Readable Format (CD-ROM)
3	H-88	National Agreements, Rural Letter Carriers, 1993-95 American Postal Workers Union, AFL-CIO National Association of Letter Carriers, AFL-CIO
1A	H-89	Statistical Systems Documentation
1A	H-90	RPW Sample Selection System, Computer System Documentation Description
1B	H-91	RPW Sample Selection System, Listing of Input Data and Source

		Code
1A	H-92	RPW Sample Selection System, ADP Documentation
1B	H-93	RPW Sample Selection System, Machine Readable Source Code and Input Data
1A	H-94	CODES - ODIS, Computer System Documentation Description
1A	H-95	CODES - ODIS, Data Entry User's Guide and Postal Service ADP Documentation
1A	H-96	CODES - ODIS, Base Unit Procedures Guide and Postal Service ADP Documentation, Base Unit
1A	H-97	CODES - ODIS, Postal Service ADP Documentation, Mainframe
1A	H-98	CODES - ODIS, Source Code Listings
1A	H-99	CODES - ODIS, Source Code in Machine-Readable Form
1A	H-100	ODIS, Computer System Documentation Description, Quarterly Processing
1A	H-101	ODIS, Postal Service ADP Documentation, Quarterly Processing
1A	H-102	ODIS, Source Code Listings, Quarterly Processing
1A	H-103	ODIS, Source Programs in Machine-Readable Form, Quarterly Processing
6	H-104	Estimation of TNT Product on the Eagle Air Network
6	H-105	Standard (A) Regular Rate Mail Characteristics Study
6	H-106	Mail Processing Unit Costs by Shape
6	H-107	Special Service Cost Study Updates
6	H-108	Standard Mail (A) Unit Costs by Shape
6	H-109	Standard Mail (A) Mail Processing ECR Costs

6	H-110	Updated Bulk Insurance Cost Study
6	H-111	Dropship Savings for Periodicals and Standard (A)
6	H-112	Non-Standard Surcharge
6	H-113	Productivities & Accept Rates For Mailflow Models
6	H-114	Distribution of Priority Mail Volume into Delivery Method
2	H-115	Workers' Compensation Estimation Model Runs for FY 1998 {Macdonald}
3	H-116	Selected Customer Satisfaction Indices
1B	H-117	First-Class Noncountable System
6	H-118	Production Procedures Used to Estimate Volume of First-Class and Priority Mail Bearing a Certified Special Service {Diskette}
2	H-119	Diskettes of Witness Daniel's (USPS-T-29) Testimony, Appendices, and Exhibits A-F
2	H-120	Regression Materials and Multipliers Priority Mail {Musgrave}
2	H-121	Regression Materials and Multipliers Express Mail {Musgrave}
2	H-122	Regression Materials and Multipliers Priority Mail and Express Mail Diskettes {Musgrave}
2	H-123	Derivation of Before Rates Fixed Weight Price Indices for Priority Mail, Express Mail, and United Parcel Service: Ground Service- Spreadsheets {Hard Copy and Diskettes/Musgrave}
2	H-124	Derivation of After-Rates Fixed Weight Price Indices for Priority Mail and Express Mail {Hard Copy and Diskettes} {Musgrave}
2	H-125	Before Rates and After Rates Forecasts for Priority Mail and Express Mail {Hard Copy and Diskettes/Musgrave}
6	H-126	Roll Forward Mail Mix Adjustments
6	H-127	Equipment and Facility Related Costs

6	H-128	Coverage Factors for Letter and Flat Models
6	H-129	DPS Volumes and Savings by Subclass and Category
6	H-130	1997 OCR/RBCS Accept and Upgrade Rates
6	H-131	Arrival and Barcoding Profiles of Parcel Post, DBMC, and Special Rates Parcels
6	H-132	BMC Productivity and Dispatch Profile {Diskette}
3	H-133	Handbook PO-502, Container Methods Handbook (September 1992)
2	H-134	Materials in Support of Periodicals Mail Processing Cost Testimony, USPS-T-26
6	H-135	Standard Mail (B) Parcel Post Volume and Cubic Feet Data by Weight and Zone and BMC/ASF Distribution-GFY 1996 {Diskette}
2	H-136	Creation of Data File TPANL96.WEIGHT.DISK {Baron} {Diskette}
2	H-137	Description of Methods For Estimating Load Time Elasticities For City Carrier Letter Routes {Baron} {Diskette}
2	H-138	The Actual Stops Model {Baron} {Diskette}
2	H-139	The Actual Deliveries Model {Baron} {Diskette}
2	H-140	Calculation of Fixed Time Per Stop {Baron} {Diskette}
2	H-141	The Quadratic Model For Estimating Running Time Elasticities {Baron} {Diskette}
2	H-142	The Quadratic Model With Interactions For Estimating Running Time Elasticities {Baron} {Diskette}
2	H-143	Calculation of Fiscal Year 1996 Average CCS Coverages {Baron} {Diskette}
6	H-144	Standard Mail (B) Parcel Post Mail Processing and Window Service Costs

1B	H-145	FY 1996 Billing Determinants
2	H-146	MODS-Based Costing, Description of Workpapers and SAS Programs {Degen}
3	H-147	Handbook M-32, Management Operating Data System
2	H-148	Bradley/USPS-T-14 Electronic Input Data
2	H-149	Bradley/USPS-T-14 Electronic Version of Econometric Programs
2	H-150	Vehicle Service Driver Regression Models and Data {Wade} {Diskette}
2	H-151	MLR Survey - Development and Data {Nelson}
2	H-152	SPR Survey - Development and Data {Nelson}
2	H-153	Expedited Mail Survey - Development and Data {Nelson}
2	H-154	LDC24 Survey - Development and Data {Nelson} {Diskette}
2	H-155	Express Mail Study {Nelson}
2	H-156	MLR Survey - Programs and Output {Nelson}
2	H-157	SPR Survey - Programs and Output {Nelson}
2	H-158	Expedited Mail Survey - Programs and Output {Nelson}
2	H-159	LDC24 Survey - Programs and Output {Nelson}
2	H-160	Econometric Analyses of Carrier/Messenger Survey Data {Nelson}
2	H-161	Spreadsheet Changes - Cost Segments 6, 7, and 9 {Nelson}
3	H-162	Household Diary Study Fiscal Year 1995
6	H-163	Fourth Class Market Research Study
2	H-164	Derivation of Ramsey Pricing Formula {Bernstein}

2	H-165	Computer Program Used in Ramsey Price Calculations {Bernstein}
6	H-166	Priority Mail Delivery Confirmation Market Response Research
2	H-167	Window Service Documentation - Transaction Time Study and Econometric Analysis {Brehm}
6	H-168	First-Class Mail Special Weight Data
3	H-169	FSM-1000 Field Test
2	H-170	Electronic Version of Takis Workpapers {Takis}
2	H-171	Dreivation of Before Rates FWI, Spreadsheets Used to Develop Before-Rates Fixed Weight Index Values {Tolley}
2	H-172	Dreivation of After Rates FWI, Spreadsheets Used to Develop Before-Rates Fixed Weight Index Values
2	H-173	Before- and After-Rates Volume Forecasting Spreadsheets
2	H-174	Data and Programs Used to Develop Econometric Results in USPS-T-7 {Thress}
2	H-175	Documentation for USPS-T-7, Workpaper 2 (Permanent Income Elasticities) {Thress}
2	H-176	Program Documentation for Appendix IV of USPS-T-16 {Hatfield}
6	H-177	Variance Estimation Programs
6	H-178	Special Quarterly Volume and Revenue Detail Data
6	H-179	BRM Practices Survey
6	H-180	BRM Transaction-Level Data
2	H-181	Responses Concerning Unusual Observations in HCSS Data Set {Bradley}
6	H-182	Standard Mail (A) Unit Cost by Weight Increment

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2	H-183	Documentation of Incremental Costs of Load Time {Takis}
2	H-184	Documentation of Single-Subclass Ratios {Takis}
6	H-185	First-Class Mail Characteristics Survey
6	H-186	Standard (A) Summary by Shape and Ounce Increment (Rule 54(l)(2)) {Compliance Statement}
3	H-187	Volume, Revenue, Rate, Fee, and Transactions Histories
2	H-188	Materials Supporting Post Office Box Analysis {Lion} {Diskette}
2	H-189	Documentation of Rural Carrier Cost Development {Baron}
6	H-190	Second-Class Mail Characteristics Survey
6	H-191	Estimation of Pounds and Average Haul by Zone for Priority Mail
6	H-192	Rural Carrier Average Allowance per Route
6	H-193	Rural Letters/Flats Adjustment
6	H-194	Hourly Wages For EAS 18 & 21 Personnel -- Including Facility Related Costs
6	H-195	Standard (A) Nonprofit Rate Mail Characteristics Study
5	H-196	Rule 54(a)(1) Alternate Commission Cost Presentation (Base Year)
2	H-197	Diskettes of Witness Mayes's (USPS-T-37) Testimony and Workpapers
2	H-198	Documentation of Piggyback Ratios Used in Incremental Cost Analysis {Takis}
2	H-199	Linked Electronic Version of Takis Workpapers {Takis}
2	H-200	Prepaid Reply Mail: Household Weighting Study {Fronk}
2	H-201	Diskette of Witness Alexandrovich's Spreadsheets for Workpaper WP-B (USPS-T-5)

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2	H-202	Diskettes of Witness Moeller's (USPS-T-36) Testimony and Workpapers 1-3
2	H-203	Diskette of Witness Musgrave's Testimony, Workpapers A through D, and Appendices A and B (USPS-T-8)
2	H-204	Diskettes of Witness Sharkey's (USPS-T-33) Testimony and Exhibits
2	H-205	Diskettes, Testimony and Workpapers of Witnesses Taufique (USPS-T-34) and Kaneer (USPS-T-35)
2	H-206	Diskettes of Witness Needham's (USPS-T-39) Testimony and Workpapers
2	H-207	Diskettes of Witness Plunkett's (USPS-T-40) Testimony and Workpapers
2	H-208	Diskettes of Witness Adra's (USPS-T-38) Testimony and Workpapers
2	H-209	Diskettes of Witness Fronk's (USPS-T-32) Testimony and Workpapers
2	H-210	Diskette of Witness Miller's (USPS-T-23) Testimony and Exhibits
2	H-211	Diskettes of Witness Hatfield's (USPS-T-25) Testimony and Exhibits
2	H-212	Diskettes of Witness Hume's (USPS-T-18) Testimony and Workpapers
2	H-213	Diskette of Witness Schenk's (USPS-T-27) Testimony and Exhibits
2	H-214	Diskettes of Witness O'Hara's (USPS-T-30) Testimony and Workpapers
5	H-215	Rule 54(a)(1) Alternate Commission Cost Presentation (Rollforward) (Revised)
2	H-216	Data Files for Post Office Box Studies {Lion}

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4	H-217	Materials Provided in Response to OCA/USPS-T13-37
4	H-218	SAS Material (Relating to H-146) in Response to OCA/USPS-T12-4
4	H-219	IOCS Distribution Information in Response to TW/USPS-T12-3,6, & 7
4	H-220	Materials Provided in Response to OCA/USPS-1(a) and (b)
3/4	H-221	Site META User Guide (Protective Conditions) {Moden response to TW/USPS-4-7(h)}
2	H-222	Supplementary Data Files for Post Office Box Studies {Lion}
4	H-223	Electronic Version of Transportation Workpapers Supporting FY 1996 CRA in Response to MPA\USPS-T5-1
4	H-224	Materials Provided in Response to NAA/USPS-T14-7
4	H-225	Measuring the Effects of New Deliveries on Load Time {Baron}
4	H-226	Qualitative Market Research -- Prepaid Reply Mail Product Concept, In-depth Interviews with Businesses -- Final Report Provided in Response to POIR No. 1, Question 9.
4	H-227	International Volume Forecasts Provided in Response to POIR No.1, Question 10(a)
2	H-228	Diskette of Errata to Musgrave Testimony (USPS-T-8) and Library References H-120, 121 and 125
3/4	H-229	Air Systems Contracts {Sharkey}
4	H-230	IOCS Question 24 Data Provided in Response to OCA/USPS-T12-22(a)
3/4	H-231	Publication 223, United States Postal Service Directives and Forms Catalog {filed in response to UPS/USPS-15(a)}
4	H-232	Materials Provided in Response to POIR No. 1, Question 11

3/4	H-233	National Bulk Mail Center Network Map {Mayes; response to UPS-T37-23}
3/4	H-234	ADVANCE Notification and Monitoring System Technical Guide (Version 2.1, August 1996)
3/4	H-235	Redacted PMPC Contract
4	H-236	Materials Provided in Response to OCA/USPS-10 {ABR}
3/4	H-237	US Postal Service Handbook F-8, General Classification of Accounts (Sept. 1993)
4	H-238	Postmaster Compensation Package
3/4	H-239	Handbook M-39, Management of Delivery Services, and Handbook M-41, City Delivery Carrier Duties and Responsibilities. {Moden response to DMA 15}
4	H-240	Material Responsive to OCA/USPS-T24-54(c)
4	H-241	Material Responsive to OCA/USPS-T24-55(d)
4	H-242	Prepaid Reply Mail Consumer Market Research Report
4	H-243	Educational Materials Provided In Response To OCA/USPS-T32-45
4	H-244	List of Processing Sites and Available Deployment Schedules {Moden response to OCA 6}
4	H-245	CCS Park and Loop Distribution Key {Nelson}
3/4	H-246	Corporate Automation Plan {Moden; ABP 2}
4	H-247	Material Responsive to Interrogatory OCA/USPS-T22-2(c)
4	H-248	CD-ROM of MODS Data in Response to OCA/USPS-T12-38
3/4	H-249	Redacted Transportation Contract: WNET 92-01
3/4	H-250	Redacted Transportation Contract: TNET 93-01

3/4	H-251	Redacted Transportation Contract: ANET 93-01
3/4	H-252	Redacted Transportation Contract: CNET 96-01
3/4	H-253	National Agreement with National Postal Mail Handlers Union 1994–1998 {Moden; response to DMA }
4	H-254	Materials Supporting Response to OCA/USPS-T24-65(i) {Lion}
3/4	H-255	Modeling Postal Service Mail Processing and Delivery Operations by QED (Queues Enforth Development) {Moden; response to DMA 28b}
4	H-256	FY 1995 & 1996 EXFC Data
3/4	H-257	Redacted Copy of Remittance Processing Services Agreement Between American Express and Postal Service
3/4	H-258	Handbook F–6: Economic Value Added Financial Management and Pay Performance; and Economic Value Added: Our Measure of Financial Performance {Tayman; response to NAA/USPS-11}
4	H-259	SAS Logs Provided in Response to UPS/USPS-T14-25 {Bradley}
4	H-260	Spreadsheets in Response to TW/USPS-T12-19 {Degen}
2/4	H-261	Further Supplemental Analysis of VSD Costs (USPS-T-20)
4	H-262	IOCS Data Files in Response to DMA/USPS-T28-11 {Degen}
4	H-263	PRM Qualitative Market Research Survey Statement Of Work
4	H-264	PRM Qualitative Market Research Survey Interview Transcripts
4	H-265	FY 1997 Workers Compensation Model Runs {Macdonald response OCA 2}
4	H-266	Development of the FY 1996 Post Office Box Distribution Key
3/4	H-267	Audit Reports Filed in Response to OCA/USPS-22
4	H-268	Materials Related to Informing Postal Employees of Stamped Card Name Change, in Response to DFC/USPS-T39-10(d)

{Needham}

3/4	H-269	Marketing Department Documents Issued in Early July, 1997, Concerning Rate Case Filing and Its Impact, in Response to ABP/USPS-16
4	H-270	Diskette of Material Provided by Witness Degen in Response to TW/USPS-T12-24-33
3/4	H-271	Award in the Matter of Arbitration between United States Postal Service and National Association of Letter Carriers, Case No. Q90N-4Q-C 93034541
4	H-272	Material Provided by Witness Degen in Response to TW/USPS-T12-34
3/4	H-273	Brochures and Forms Related to Insurance, Provided in Response to OCA/USPS-T40-11 {Plunkett}
4	H-274	Cost Adjustments for Changes Due to Proposed Rates Impact on Post Office Boxes Provided in Response to OCA/USPS-T15-9(c)
4	H-275	Materials Provided in Response to POIR No. 3, Question 35
3/4	H-276	Zone Charts In Response to UPS/USPS-T37-59 {Mayes, 9/29}
4	H-277	Diskette of Material Provided by Witness Degen in Response to MPA/USPS-T12-8 - 10
4	H-278	Diskette in Response to OCA/USPS-T24-86(a) {Lion}
4	H-279	Total Factor Productivity {Tayman; DMA 34}
4	H-280	Diskettes in Response to OCA/USPS-T24-79(e), With Source Data From ALMS and DSF Databases {Lion}
4	H-281	Blue Ribbon Committee Information Provided in Response to OCA/USPS-62
4	H-282	Materials in Response to DJ/USPS-T12-1 {Degen}
3/4	H-283	Additional Material Responsive to DMA/USPS-T4-28(b) to Witness Moden {Article 7, Employee Classifications, USPS

Presentation Paper, 1990 Negotiations; and Article 7, Employee Classifications, USPS Supplemental Presentation Paper, 1991 JBC Interest Arbitration}

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| 4 | H-284 | Pieces and Weight Data for Standard (A) (Q3&Q4 FY96 & Q1&Q2 FY97) |
| 4 | H-285 | Weekly MODS Data Provided in Response to DMA/USPS-T14-43 |
| 3/4 | H-286 | Docket No. MC96-3 Implementation Materials Related to Return Receipts, In Response to DBP/USPS-64. {Plunkett} |
| 4 | H-287 | Diskette Provided as Part of Witness Degen's Response to MPA/USPS-T12-16 |
| 4 | H-288 | Diskette and Information Provided as Part of Witness Nieto's Responses to FGFSa and UPS Interrogatories |
| 4 | H-289 | The Calculation of an Alternative Elasticity In Response to UPS/USPS-T17-14 {Baron} |
| 3/4 | H-290 | Postal Explorer {Sharkey} |
| 4 | H-291 | Machine Readable Version of Spreadsheets Underlying Response to ADVO/USPS-28 |
| 4 | H-292 | Diskette and Material Provided by Witness Wade in Response to MPA/USPS-T20-14 |
| 3/4 | H-293 | Insurance Training Materials Provided in Response to OCA/USPS-T40-39 {Plunkett} |
| 4 | H-294 | Machine Readable Version of Workpapers Provided in Response to NDMS/USPS-T28-18 {Crum} |
| 2 | H-295 | Diskette Relating to Revisions to Testimony of Dr. Tolley (USPS-T-6) |
| 4 | H-296 | Diskette of Material Provided by Witness Degen In Response To TW/USPS-T12-41, TW/USPS-5 and DMA/USPS-T12-12 |
| 2 | H-297 | Linked Electronic Version of Revised (10/9/97) Takis Workpapers |

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| 4 | H-298 | Electronic Spreadsheet Provided in Response to MPA/USPS-T5-4 {Alexandrovich} |
| 4 | H-299 | Materials Responsive to Presiding Officer's Ruling No. R97-1/40 |
| 4 | H-300 | Electronic Spreadsheets of Attachment Provided in Response to MMA/USPS-T32-15(B), et al. |
| 4 | H-301 | Spreadsheets and Programs Provided in Response to MMA/USPS-T25-1(C) |
| 3/4 | H-302 | SAI Research Provided Under Protective Conditions (See P.O. Ruling Nos. R97-1/46 & R97-1/52) |
| 4 | H-303 | Business Reply Mail/Postage Due Solution Final Report Draft (February 1997) Provided in Response to OCA/USPS-T32-76(b) |
| 4 | H-304 | Spreadsheets Provided by Witness Degen in Response to DMA/USPS-T12-13-14 |
| 4 | H-305 | Spreadsheets Provided by Witness Degen in Response to DMA/USPS-T12-15-24 |
| 4 | H-306 | Spreadsheet Provided by Witness Musgrave in Response to POIR No. 5, Item 1 |
| 4 | H-307 | CD-ROM of FHP Data Provided by the Postal Service in Response to Oral Request of Commissioner LeBlanc (Tr. 11/5595-96) |
| 4 | H-308 | Materials Provided by Witness Patelunas in Response to POIR No. 5, Item 14 |
| 4 | H-309 | Electronic Spreadsheet Version of Attachment to VP-CW/USPS-ST-44-23 |
| 4 | H-310 | Cash Flow and Investment Income Spreadsheets on Diskette (In Response to POIR No. 5 Questions 15 & 16 {Tayman}) |
| 5 | H-311 | Materials Produced Pursuant To Presiding Officer's Ruling No. R97-1/62 |
| 4 | H-312 | Diskette of Lotus Spreadsheets Provided by Dr. Tolley in |

Response to POIR No. 7

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|---|-------|--|
| 4 | H-313 | Materials Filed to Update USPS Response to OCA/USPS-1(c) |
| 4 | H-314 | Materials Provided in Further Response to DBP/USPS-19(a) |
| 5 | H-315 | Order No. 1203/MODS-Based Costing, Description of Workpapers and SAS Programs (Revised Pages) |
| 5 | H-316 | Order No. 1203/Base Year 1996 A and Selected B Workpapers (Revised Pages) (Hard Copy and B Workpaper Diskette) |
| 5 | H-317 | Order No. 1203/Rollforward Workpapers (Interim FY 1997 and Test Year 1998 Before Rates) (Hard Copy) |
| 5 | H-318 | Order No. 1203/Development of Piggyback and Related Factors (Hard Copy and Diskette) |
| 5 | H-319 | Order No. 1203/Base Year/Rollforward (Revised Files) (Diskette and CD-ROM) |
| 5 | H-320 | Order No. 1203/Mail Processing Unit Costs by Shape (Diskette) |
| 5 | H-321 | Order No. 1203/Dropship Savings for Periodicals and Standard (A) (Revised Pages) (Diskette) |
| 5 | H-322 | Order No. 1203/Standard Mail (A) Mail Processing ECR Costs (Revised Pages) (Diskette) |
| 5 | H-323 | Order No. 1203/Standard Mail (B) Parcel Post Mail Processing and Window Service Costs (Revised Pages) (Diskette) |
| 5 | H-324 | Order No. 1203/Witness Hatfield's Unit Mail Processing Costs for First-Class Letters and Cards (Diskette) |
| 5 | H-325 | Order No. 1203/Witness Seckar's Unit Mail Processing costs for First-Class, Periodicals and Standard A Flats (Diskette) |
| 5 | H-326 | Order No. 1203/Witness Daniel's Unit Mail Processing Costs for Standard A Letters, Certain Standard A ECR Results, and Certain Standard B Parcels (Diskette) |
| 5 | H-327 | Order No. 1203/Witness Crum's Unit Mail Processing Costs for |

Certain Standard B Parcels (Diskette)

5	H-328	Order No. 1203/Witness Miller's Unit Mail Procesing Costs for PRM and QBRM (Diskette)
3/4	H-329	Quarter Mile Study Final Report
5	H-330	POIR NO. 10/Development of Selected FY 1996 Piggyback and Premium Pay Factors (Hard Copy)
5	H-331	POIR NO. 10/Standard A Mail Processing Unit Costs by Shape (Diskette)
5	H-332	POIR NO. 10/Dropship Savings for Periodicals and Standard (A) (Diskette)
5	H-333	POIR NO. 10/Standard Mail (A) Mail Processing ECR Costs (Diskette)
5	H-334	POIR NO. 10/Standard Mail (B) Parcel Post Mail Processing and Acceptance Costs (Diskette)
5	H-335	POIR NO. 10/Witness Seckar's Unit Mail Processing costs for First-Class, Periodicals and Standard A Flats (Diskette)
5	H-336	POIR NO. 10/Witness Daniel's Unit Mail Processing Costs for Standard A Letters, Standard A ECR Results, and Certain Standard B Parcels (Diskette)
5	H-337	POIR NO. 10/Witness Crum's Unit Costs for Certain Standard A and Standard B Mail (Diskette)
5	H-338	POIR NO. 10/Witness Miller's Unit Mail Procesing Costs for PRM and QBRM (Diskette)
4	H-339	Econometric Programs and Results Provided in Response to NOI #4
2/4	H-340	Updated Diskette of TYBR Volume Forecast (H-295,

BEFORE.ZIP File), Provided by Dr. Tolley in Reponse to POIR
No. 12, Item 8

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|---|-------|---|
| 4 | H-341 | FY 1997 Statement of Revenues and Expenses Provided in Response to POIR No. 12, Item 1 |
| 3 | H-342 | Letter to USPS Governors Regarding Docket No. R97-1 Prepaid Reply Mail Proposal |
| 2 | H-343 | Revenue Requirement Rebuttal Supporting Documentation (USPS-RT-11) |
| 2 | H-344 | Econometric Programs to Calculate a Variability Based upon a 26 Accounting Period Scrub (USPS-RT-5) |
| 2 | H-345 | Errors-in-Variables Analysis Using 13 Period Differences (USPS-RT-5) |
| 2 | H-346 | Data and Econometric Programs to Estimate an Unbiased Cross-Sectional Variability (USPS-RT-5) |
| 2 | H-347 | Programs and Spreadsheets Used in Creation of Exhibits in USPS-RT-2 |
| 2 | H-348 | Documentation Relating to Witness Degen's Rebuttal Testimony (USPS-RT-6) (CD-ROM and hard copy) |
| 2 | H-349 | Data Diskette In Support Of Rebuttal Testimony Of Timothy Ellard (USPS-RT-14) |
| 2 | H-350 | Supporting Documentation for Exhibit USPS-RT-12A |
| 2 | H-351 | Spreadsheets Underlying Exhibits for USPS-RT-19 (Witness Kaneer) |
| 2 | H-352 | Supporting Documentation for Exhibits in USPS-RT-22 |
| 2 | H-353 | Completed Survey Forms Discussed in USPS-RT-22 |
| 2 | H-354 | Acceptance Logs Compiled Pursuant to March 20, 1998 Hearings |