

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

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MAIL PROCESSING NETWORK  
RATIONALIZATION SERVICE CHANGES, 2012

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Docket No. N2012- 1

**OBJECTION OF THE AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
TO USPS/APWU-RT2-25  
(June 8, 2012)**

The American Postal Workers Union, AFL-CIO (APWU) hereby objects to United States Postal Service interrogatory USPS/APWU-RT2-25, errata filed on May 29, 2012. The interrogatory is stated verbatim and followed by a statement of the grounds for the objection.

**USPS/APWU-RT2-25.**

Please refer to your responses to interrogatories USPS/APWU-RT2-3 and 4(h), in which you indicate, respectively, that no contract between Shorter Cycles and Decision/Analysis Partners relating to the modeling effort exists, and that when asked for "all contracts" relating to work on the In Depth Interviews you responded "N/A."

- a. Please provide a copy of Shorter Cycles contract with APWU.
- b. Please confirm that your understanding is that no contract is involved in the work Decision/Analysis Partners performed when working with Shorter Cycles, not even one that Decision/Analysis Partners might have with APWU.
  - i. If confirmed, please provide your understanding of why Shorter Cycles had no reason to pay Decision/Analysis Partners for its professional services, why it would not be compensated for its work, and whether professional work provided for free is of a type reasonably relied upon by an expert in your field.
  - ii. If not confirmed, please explain your full understanding and provide a copy of any contract under which Decision/Analysis Partners worked (redirecting the latter part of this question if appropriate).

The APWU objects to this interrogatory as irrelevant to the issues presented in this docket and to the rebuttal testimony of Mr. Schiller. APWU further objects to this interrogatory because it seeks privileged information.

Rule 25 of the Commission's Rules of Practice and Procedure ("Rules") permits "discovery reasonably calculated to lead to admissible evidence during a noticed proceeding." Rule 26 further provides that a party may propound interrogatories "requesting nonprivileged information relevant to the subject matter in such proceeding." Postal Service interrogatory USPS/APWU-RT2-25 seeks privileged information which is irrelevant to the subject matter of these proceedings.

Rule 401 of the Federal Rules of Evidence provides that Evidence is relevant if:

**(a)** it has any tendency to make a fact more or less probable than it would be without the evidence; and

**(b)** the fact is of consequence in determining the action.

Under this definition, which should provide guidance to the Commission, the requested contracts and curiosity about decision/analysis partners, LLC ("DAP") relationships with Shorter Cycles and APWU are not relevant to whether the Postal Service's proposal in this case comports with the policies of Title 39. Specifically, whether, what or how DAP was paid for work would not make a consequential fact in the Commission's Advisory Opinion in this case more or less probable.

The Priority Mail modeling work performed by DAP is described in APWU-RT-2 (errata filed May 22, 2012) Appendix 3 and documented in accord with Rule 31 of the Commission's Rules. See APWU-RT-2 Appendix 3 and the following library references:

- APWU-LR-N2012-1/11 - Priority Mail Model Results;
- APWU-LR-N2012-1/10 - Priority Mail Model Input;
- APWU-LR-N2012-1/NP10 - Priority Mail Model Input;
- APWU-LR-N2012-1/NP11 - Priority Mail Model Results; and
- APWU-LR-N2012-1/NP12 - Priority Mail Model

Sufficient detail has been provided so that the modeling work can be fully understood and its value independently determined.

It is unclear for what purpose the requested information might be necessary, or what fact the Postal Service is hoping to uncover that is consequential to the outcome of

this proceeding. Nothing contained in the contracts and/or other understandings or conversations covering DAP's or Shorter Cycles' work for the APWU would elucidate any information important or necessary to evaluate the assertions and conclusions contained in Mr. Schiller's testimony.

Notwithstanding these objections, in order to avoid a prolonged discovery dispute, APWU offers the following:

- APWU requested the Priority Mail Modeling.
- Shorter Cycles and DAP communicated directly with each other regarding the modeling.
- Shorter Cycles and DAP are being paid by APWU for the work in accord with understandings each has with APWU.

Respectfully submitted,

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