Postal Rate Commission
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BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268–0001

RATE AND SERVICE CHANGES TO IMPLEMENT BASELINE NEGOTIATED SERVICE AGREEMENT WITH BOOKSPAN	Docket No. MC2005-3

RESPONSE OF THE UNITED STATES POSTAL SERVICE TO MOTION OF THE OFFICE OF THE CONSUMER ADVOCATE TO COMPEL RESPONSES TO INTERROGATORIES OCA/USPS-T2-11(c)-(e)
(September 9, 2005)

The United States Postal Service hereby opposes the motion of the Office of the Consumer Advocate to compel responses to interrogatories OCA/USPS-T2-11(c)-(e). The interrogatories sought detailed information about International Customized Mail agreements (ICMs), based on the witness's statement of duties in her biographical sketch. The Postal Service objected on the grounds of relevance. The OCA's motion is flawed in several respects.

The OCA asserts that the discovery of this detailed information about matters not subject to proceedings before the Commission somehow sheds light on the reliability of the data filed in this docket. The OCA attempts to put ICMs under the umbrella of NSAs, stating: "The interrogatories seek information on the financial performance of negotiated service agreements (NSAs) known as International Customized Mail agreements." OCA Motion at 1. Witness Yorgey's autobiographical sketch, however, indicates that her duties include "ICMs *and* NSAs." USPS-T-2, at ii (emphasis added). She does not say "NSAs, including ICMs," as the OCA would have it.

Indeed, "NSA" is now a term of art that refers specifically to agreements that require a recommended decision from the Commission before they can be

implemented, and which the Commission considers under Subpart L of its rules of practice and procedure. 39 C.F.R. §§ 3001.190–3001.198. As such, ICMs do not fall within the definition of NSAs. ICMs are not subject to these standards and an evaluation of the results of any or all ICMs, the financial outcome of which could be subject to a myriad of factors, will shed no light on whether the proposal in this docket meets the applicable statutory and regulatory standards. Moreover, the Postal Service enters in many types of agreements with customers, which could arguably be said to resemble NSAs in one way or another. That does not make discovery of detailed information about them relevant to the evaluation of data presented before the Commission for the purpose of determining whether a Postal Service proposal meets specific statutory and regulatory standards that do not apply to other postal activities.

For these reasons, it is unfounded and illogical for the OCA to assert that evaluation of the results of other postal activities will somehow shed light on the reliability of completely unrelated data presented before the Commission. The OCA's motion should therefore be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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September 9, 2005

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.

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September 9, 2005