

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Rate and Service Changes to Implement  
Baseline Negotiated Service Agreement  
With Bank of America Corporation

Docket No. MC2007-1

PRESIDING OFFICER'S RULING  
CONCERNING APWU'S MOTION TO COMPEL A RESPONSE  
TO APWU/USPS-ST3-3(d)

(Issued June 12, 2007)

American Postal Workers Union, AFL-CIO (APWU) has filed a motion to compel the Postal Service to provide a response to interrogatory APWU/USPS-ST3-3(d).<sup>1</sup> Interrogatory APWU/USPS-ST3-3(d) states:

Please provide a recent copy of a "Sort Plan Area Summary" End-Of-Run report for a comparable length of time as described on page 2 of LR-K-68. The location and identification of the plant can be redacted but please label and define all the items that show on that report and explain how you would use it to calculate the percentage of mail finalized.

APWU asserts that this interrogatory will lead to a further understanding of the type of data used to determine baseline measurements in this case, and contends that this is relevant because the end-of-run reports are used to collect the underlying data to establish the benchmarks used in the agreement.

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<sup>1</sup> Motion of the American Postal Workers Union, ALF-CIO to Compel United States Postal Service to Answer Interrogatory APWU/USPS-ST3-3(d), June 4, 2007 (Motion).

The Postal Service initially objected to this interrogatory arguing that a report from a single facility at a single point in time is not relevant because it is not representative of either a baseline number based on averages, or a number or measurement derived from a specific customer's mail.<sup>2</sup> The Postal Service further objects arguing that the report is commercially sensitive because the data are used to derive budgets, project workhours and overtime, and other labor-specific information. The report also reveals sensitive sort scheme and other operation-specific information.

The Postal Service repeats its initial objections in its answer to the Motion, but also offers to provide a responsive answer to the interrogatory by listing the nature and type of data, and the relationships among the data elements in a typical end-of-run report without providing an actual report.<sup>3</sup>

Assuming that the Postal Service has consulted with APWU and verified that its proposed response satisfies the needs of APWU, the Postal Service is directed to file its response by close of business on June 13, 2007. The Postal Service also shall have a witness prepared to answer any questions related to this interrogatory at the June 14, 2007 hearing. The Postal Service and APWU are encouraged to promptly resolve this discovery dispute among themselves such that Bank of America will not be further delayed in its request for consideration of this agreement. Further consideration of the pleadings related to this dispute shall be held in abeyance pending review of the Postal Service's response.

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<sup>2</sup> Objection of the United States Postal Service to Interrogatory APWU/USPS-ST3-3(d), May 21, 2007.

<sup>3</sup> Answer of United States Postal Service to Motion of the American Postal Workers Union, AFL-CIO, to Compel a Response to Interrogatory APWU/USPS-ST3-3(d), June 11, 2007.

RULING

1. The Postal Service is directed to file its response to interrogatory APWU/USPS-ST3-3(d) by close of business on June 13, 2007.
  
2. The Postal Service shall have a witness prepared to answer any questions related to its response to interrogatory APWU/USPS-ST3-3(d) at the June 14, 2007 hearing.

Dan G. Blair  
Presiding Officer