

Before the
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Evolutionary Network Development)
Service Changes, 2006)

Docket No. N2006-1

OFFICE OF THE CONSUMER ADVOCATE REPLY
IN SUPPORT OF AMERICAN POSTAL WORKERS UNION, AFL-CIO
MOTION TO EXTEND DISCOVERY
(June 20, 2006)

The OCA hereby responds to the American Postal Workers Union, AFL-CIO (“APWU”) motion to extend discovery in this proceedings beyond the current deadline of June 16, 2006, “until thirty (30) days after the Postal Service provides material responsive to all outstanding discovery,” (Motion at 2) or until parties have a “reasonable opportunity to examine” the responses to outstanding discovery requests and to serve additional discovery after that examination. (Motion at 6.)

OCA does not wish to delay this proceeding, particularly in view of the ongoing omnibus rate case, but it is necessary to compile a complete and meaningful record in this proceeding. OCA therefore supports the motion of APWU to extend discovery.

Three types of documents have been requested from the Postal Service, but not yet provided, which are necessary for a full Commission review of the END proposal. First, there are documents the Postal Service intends to use to obtain public input and comment on planned AMP consolidations. Second, there are documents also still being designed pertaining to the Regional Distribution Center (RDC) planning concept and,

third, documents being prepared for an RDC Activation Communication Plan. In addition, other interrogatories are outstanding which, when answered, may lead to further examination arguably beyond the usual follow-up questions.

The first documents involved relate to obtaining public input and comments on AMP consolidations. The Postal Service stated the plan is being updated and will be filed as soon as it is available. (See response to OCA/USPS-33(b).) However, no date for that filing has been provided; further discovery relating to the plan may be needed.

As for the second and third types of documents, the Postal Service indicated on May 8, in response to APWU interrogatory APWU/USPS-T1-21, and long after the filing in this proceeding, that RDC planning and communication documents are being prepared. In that response, the Postal Service stated one of the documents will be used to study potential RDC operations and “blends the principles of AMP with facility planning concepts.” Another document will communicate the activation plans for RDCs. Each of these documents will be a significant part of the implementation of the END process about which the Postal Service is seeking advice pursuant to §3661 of the Postal Reorganization Act. OCA is seeking to determine if the RDC segment is a severable part of the overall project that might be the subject of a later §3661 filing.

OCA requested the RDC documents. The Postal Service responded on May 31, “[t]he documents are undergoing the final stages of internal development and review for utilization later this year. As soon as the documents are finalized, copies will be filed as Library References.” (OCA/USPS-T1-25.) Given the history of delays in providing important documentation related to the END process additional time for discovery is necessary in order for the participants to have sufficient opportunity to review these

documents when they are received, pose interrogatories, and have responses available prior to the opportunity for oral cross-examination and prior to the time for submitting rebuttal evidence or filing briefs.

In addition, there are important outstanding interrogatories regarding the END model that are long overdue.¹ Also, another interrogatory (OCA/USPS-48) probes the outcome of an internal Postal Service review of the END process and requests the report on that review. The questions these responses may raise are likely to be broader than the usual follow-up interrogatories and would extend beyond the normal time period for follow-up interrogatories.

Wherefore, because there has been no indication when the Postal Service will complete work on these several documents and make them available for the Commission, OCA supports the request to extend discovery until a certain time period after all outstanding documents and responses to interrogatories are received.

¹ OCA/USPS-T1-21, filed April 5, 2006, requested a mathematical description of the optimization model. OCA/USPS-T34 (b), filed May 8, 2006, also requested information regarding mathematical equations describing linear costs functions. Despite the Postal Service having reported to the Presiding Officer on May 25, 2006 that answers to these interrogatories would be filed on or before June 5, 2006, responses have not been forthcoming. On June 16, 2006, almost 5 weeks after the date for objecting to the interrogatory, as provided by the Commission's rules, and on the last day of scheduled discovery, the Postal Service indicated it would file an objection to OCA/USPS-34(b).

Respectfully submitted,

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Officer of the Commission

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