Postal Rate Commission
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BEFORE THE

POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Complaint on Removal of Collection Boxes **Docket No. C2003-1**

DOUGLAS F. CARLSON
REPLY COMMENTS CONCERNING ORDER NO. 1379

August 18, 2003

Few issues are more important than postal customers' access to First-Class Mail. Millions of customers frequently and routinely use Postal Service collection boxes to deposit outgoing First-Class Mail. Most of these customers do not send a volume of mail sufficient to warrant free pickup service by the Postal Service. Other customers are impaired by mobility problems that restrict their range of options to deposit outgoing mail. With the Postal Inspection Service's frequent warnings to customers to prevent theft by refraining from leaving outgoing mail for their letter carrier, the widespread, and perhaps unprecedented, removal of collection boxes that is occurring nationwide poses a serious policy and service issue that this complaint seeks to address.

While the Postal Service may be proud of its zealous protection of information that it labels as confidential business information, the Postal Service's actual motive is to prevent the public from scrutinizing its operations. In preparing to file this complaint, I filed a Freedom of Information Act request for data on the volume of mail that previously was collected in collection boxes that the Postal Service removed from service in Santa Clara, California. I believe that the Postal Service removed approximately one third of the boxes in Santa Clara. The San Jose District refused to provide the data, citing direction from the Postal

Service Law Department. After the Postal Service ignored my administrative appeal, I filed a lawsuit in federal court.

During settlement negotiations earlier this year, the Postal Service attorney brushed aside the refusal to provide the volume data for boxes that had been removed from service and claimed that this decision was a mere "mistake." Perhaps, but several months later, I have yet to receive the data. Moreover, the Postal Service is completely ignoring my discovery requests in the federal-court case, a matter for which I will need to seek relief shortly.

The pending lawsuit also includes my FOIA request for records from the Collection Box Management System database, the release of which, according to the Postal Service, would threaten the security of the mail. The progress of this lawsuit is reminiscent of Docket No. C2001-1. In that complaint case, the Postal Service, through its counsel, asserted a variety of reasons why the Postal Service should not be required to release these records to the public. POR C2001-1/13[1] directed the Postal Service to respond to specific questions to allow the Commission to evaluate the merits of those reasons, since the proffered reasons were unconvincing on their face. The Postal Service apparently was unable to find any employee willing to assert under oath that release of publicly available information would pose a security risk. Unable to back up the assertions of its counsel, the Postal Service exercised its option under the current statutory scheme simply to ignore the Commission order to produce the CBMS data. In the current lawsuit, unnamed individuals are directing Postal Service attorneys to prevent release of the data, but the Postal Service has been unable, in response to my discovery request, to provide the name of a single person who will be available for a deposition to explain under oath why release of publicly available information would threaten the security of the mail.

[1] POR C2001-1/13, filed September 19, 2001.

Obviously, security concerns are merely a pretext for the Postal Service's refusal to release CBMS data. Similarly, concerns about competitive harm that allegedly could result from release of Customer Satisfaction Measurement data are a pretext for the Postal Service's desire to conduct its operations in secret and to prevent any public scrutiny of its operations. This issue is the real policy question facing the Commission. The right of the public to be informed about the operations of the Postal Service, particularly on matters as fundamentally important as mail collection, outweighs the Postal Service's purported fear of competitive harm that might result from public disclosure of the CSM data.

Respectfully submitted,

Dated: August 18, 2003

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DOUGLAS F. CARLSON