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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

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

SPECIAL SERVICES REFORM, 1996

Docket No. MC96-3

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO MOTIONS OF DOUGLAS F. CARLSON
TO COMPEL RESPONSES TO DFC/USPS-T3-1(c) AND 3(d) - (f),
AND DFC/USPS-T7-5(A)
(September 6, 1996)

In three motions dated August 31, 1996, Douglas F. Carlson asks "the commission" to compel witness Landwehr to answer interrogatories DFC/USPS-T3-1(c) and 3(d) through 3(f) and witness Needham to answer interrogatory DFC/USPS-T7-5(a). These motions all share the same fatal flaws: 1) each of the identified interrogatories was timely answered by the respective witnesses; and 2) those answers are fully responsive.

Mr. Carlson, as recited in the motions, contacted postal counsel subsequent to his receipt of the answers to request that revised answers be filed. In each instance, postal counsel refused based upon still firm conclusions that the interrogatories were properly answered. Indeed, as confirmed by the contents of the motions, it appears that Mr. Carlson has questions he would like answered, but they are merely related to, and not the same as, the interrogatories he propounded. Mr. Carlson appears to believe that proper procedure is to amend interrogatories over the phone with counsel after answers have been filed and then move to compel answers to these new questions. His remedy, if any, would appear to be something other than a further compelled response to poorly drafted initial questions.



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This pleading addresses each of the interrogatories and explains the logic behind each of the responses and why further answers should not be compelled.

DFC/USPS-T3-1(c)

The launching point for this interrogatory is witness Landwehr's testimony:

My experience leads me to conclude that while [the San Luis, Middleburg, and Blaine Post Offices] are atypical in the pool of all post offices, there are also many similar offices nationwide.

USPS-T3 at 10. The pertinent part of the interrogatory states:

Please confirm that these "similar" post offices are, nevertheless, atypical in the pool of all post offices.

Interrogatory DFC/USPS-T3-1(c). Since the testimony itself plainly identifies a group of post offices with two attributes, 1) similarity to certain offices yet 2) atypicality with respect to offices generally, this interrogatory was understood as requesting confirmation that the testimony indeed does say what it says—a pointless exercise at best. Witness Landwehr's response, which simply pointed back to the testimony, in effect stated "See the testimony for what it says." This pattern of response is consistent with the general Postal Service practice of pointing to where questions have already been answered rather than confusing the record by answering them again. It was especially appropriate here since the question was to all appearances pointless.

Mr. Carlson conjectures in his motion that there may be so many "similar" offices that they may be commonplace and therefore not atypical. While most anything is possible from the legal perspective including this conjecture, Mr. Carlson offers no concrete definitions of the words "similar", "commonplace" or "atypical" that would

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permit one to conduct an appropriate study to resolve his semantic conjecture. In any event, Mr. Landwehr's testimony and the response to DFC/USPS-T3-1(c) are straightforward and unambiguous. If Mr. Carlson would like to include illogical speculation as part of the basis of a propounded interrogatory, he would do well in the future to include it in the question.¹

The other interrogatories were also answered properly by postal witnesses, and Mr. Carlson again interjects his further understanding of the questions as a basis for claiming the answers are not responsive.

DFC/USPS-T3-3(d) - (f)

The three subparts of this interrogatory that are the subject of Mr. Carlson's motion to compel relate to Mr. Landwehr's description of the numerous boxholder address verification requests received from federal and state authorities at the San Luis Post Office. Since the subparts are interrelated, the entire question is reproduced below:

DFC/USPS-T3-3. On page 7, lines 16-20, you stated, "Many San Luis customers are the recipients of benefit checks from federal and state authorities, who typically verify the physical addresses of clients who use post office boxes. The process for responding to these requests under the Freedom of Information Act is resource intensive. This office typically receives from 80 to 100 such requests every four weeks."

¹ Curiously, Mr. Carlson demonstrates in other pleadings his unequivocal understanding of Mr. Landwehr's testimony on the typicality and similarity of these other offices. See the second full paragraph of the "Discussion" section on page 2 of his motion to compel with respect to DFC/USPS-T7-5(a), wherein he argues that such offices are atypical and therefore "completely irrelevant."

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a. Please identify the percentage of *resident* boxholders in San Luis whose addresses are verified by federal and state authorities.

b. Please identify the percentage of *nonresident* boxholders in San Luis whose addresses are verified by federal and state authorities.

c. Is the federal and state authorities' practice of verifying the physical addresses of clients who use post-office boxes unique to San Luis, Arizona?

d. If the clients described in (c) were instead residents (as defined for this rate case) of another city and had a post-office box in that city, would that post office expect to receive verification requests similar to those that the government agencies serve on the San Luis post office?

e. If your answer to (d) is yes, is the client's status as resident or nonresident, as defined for purposes of this rate case, at all relevant to assessing the burden these clients cause for the Postal Service?

f. If you are unable to provide data for (a) and (b) above, please explain the basis for the implication in your testimony that responding to these verification requests is a challenge "rooted in the non-resident customer base."
USPS-T-3 at p. 7, line 10.

Subpart (d) follows upon subpart (c), the answer to which confirmed that the San Luis Post Office is not unique in having to respond to government address verification requests. Subpart (d), however, poses a hypothetical question in the form of a requested comparison of the San Luis Post Office to one whose characteristics are completely unknown. "Would that office expect to receive verification requests similar to ...?" Mr. Landwehr's answer contained his refusal to speculate, but just as well could have been "maybe" or "I do not know". While no comprehensive data on governmental address verification requests have been collected, as a practical matter many of them inquire about recipients of benefit checks which means that informed observers may be able to make some inferences on the patterns of verification requests based on socio-

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economic factors. Many offices receive such requests but some do so only rarely if at all.

Had appropriate data been collected, one could attempt an answer by comparing the San Luis Post Office to some measure of central tendency derived from all other offices. In the alternative, if Mr. Landwehr felt that he had sufficient background and experience to attempt a qualitative answer, he would have attempted to do so. That he was unable to do so should not be surprising given that he addresses governmental address verification requests in connection with but one of the four post offices whose box operations are described in his testimony. Mr. Landwehr simply does not have the information necessary to answer Mr. Carlson's hypothetical.

Subpart (e) depends upon an affirmative response to (d). Since witness Landwehr was unable to (d), he is also unable to answer (e).

Mr. Carlson argues in the motion to compel that witness Landwehr should instead have answered subpart (d) by answering a quite different question: Do the FOIA requests received by the San Luis Post Office arise because the boxholders live in San Luis or because the government seeks physical address information for specific individuals.² Mr. Carlson fails to explain how Mr. Landwehr was capable of, let alone required to, interpret the original question in this fashion. Had this reformulation instead

2. The simple answer to this question is probably "yes" to both parts. More specifically, government agencies verify the physical addresses of benefit check recipients who report their address as a post office box; thus, a verification is directed to the post office where a check recipient reports receiving box service. Verifications are thus dependent both upon customer identity and the location where box service is obtained—which often is where the recipient lives.

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been promulgated properly, Mr. Carlson would perhaps have gotten the answer he sought. Witness Landwehr answered subpart (d) as it was posed; Mr. Carlson's subsequent oral and written editing of the question is no basis for compelling a further response.

Mr. Carlson claims that witness Landwehr "failed to answer" subpart (f), Motion at 4, even while quoting the answer which directed attention to the responses to DBP/USPS-T3-1 and 5. To the extent witness Landwehr implies that address verification requests are a challenge rooted in the non-resident customer basis, the referenced answers (in addition to his testimony) contain the basis.

All of interrogatory DFC/USPS-T3-3, including subparts (d), (e) and (f), have accordingly been fully answered by witness Landwehr. This fact is in no way altered by Mr. Carlson's subsequent re-formulation and interpretation of the questions. If Mr. Carlson has a remedy, it is therefore not to be found in the form of a motion to compel.

DFC/USPS-T7-5(a)

This interrogatory sought a confirmation by witness Needham that demand by nonresidents for box service at vanity addresses is "atypically higher" than the general pattern of nonresident demand. If confirmed, then the interrogatory further sought a confirmation that factors other than prestige are "most significant" to nonresident boxholders at non-vanity post offices. Witness Needham's response indicated she did not have the information needed to confirm either statement, and gave examples about which she was not knowledgeable but which suggested why confirmation might be inappropriate. Since no comprehensive survey of demand addressing such factors as

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differences between residents and nonresidents, the impact (or definitions) of vanity or border offices, or what constitutes average, higher, typically higher or atypically higher demand, it should not be surprising witness Needham is unable to provide the requested confirmations.

Mr. Carlson's motion to compel regarding DFC/USPS-T7-5(a) simply argues with witness Needham's response in a form that may be suitable to a brief in this proceeding, but in no sense demonstrates that she should be compelled to respond further to a question she is unable to answer. Mr. Carlson asserts that the examples cited by Ms. Needham are irrelevant to an ability to confirm the interrogatory as is any consideration of atypical offices. The Postal Service does not agree that a comprehensive picture of factors affecting demand can be generated without looking at unusual or atypical offices; Mr. Carlson remains free, of course, to develop testimony answering his interrogatory and generally addressing demand in any way he sees fit.

Conclusion

As noted at the outset, the three motions to compel pertain to interrogatories that have already been answered. The answers are reasonable and directly responsive to the questions posed. Mr. Carlson has shown no basis to believe that any other answers can or should be provided. His motions should accordingly be denied.

WHEREFORE, the United States Postal Service requests that Mr. Carlson's

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motions to compel further answers to interrogatories DFC/USPS-T3-1(c), DFC/USPS-T3-3(d) - (f), and DFC/USPS-T7-5(a) be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Kenneth N. Hollies

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.



Kenneth N. Hollies

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