

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

ANNUAL COMPLIANCE REVIEW, 2019

Docket No. ACR2019

**MOTION FOR RECONSIDERATION OF COMMISSION INFORMATION REQUEST  
NO. 3, OR, IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME TO SUBMIT  
RESPONSE OF THE UNITED STATES POSTAL SERVICE TO COMMISSION  
INFORMATION REQUEST NO. 3**  
(September 11, 2020)

Pursuant to 39 C.F.R. § 3010.160(a), the United States Postal Service (Postal Service) hereby respectfully requests that the Postal Regulatory Commission (Commission or PRC) reconsider the information requests in Commission Information Request No. 3 (CIR No. 3).<sup>1</sup> Based on the information requested by the Commission in CIR No. 3, the Postal Service submits that it would be unduly burdensome for it to respond to this information request. The Postal Service requests, therefore, that the Commission reconsider the requests in CIR No. 3 and issue a revised information request to correspond to the recent weekly service performance data that the Postal Service provided to the United States Congress (U.S. Congress).

On September 3, 2020, the Commission issued Order No. 5671 granting Steve Hutkins' Motion for Information Request No. 3, and separately issued CIR No. 3.<sup>2</sup> That motion merely sought "weekly reports" without specificity as to what information would be provided, but the motion pointed to Area reports shared with industry officials as an

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<sup>1</sup> Commission Information Request No. 3, Docket No. ACR2019, September 3, 2020.

<sup>2</sup> PRC Order No. 5671, Order Granting Motion for Information Request, Docket No. ACR2019, September 3, 2020, at 13; CIR No. 3.

example of the types of information that the Postal Service had available. In CIR No. 3, the Commission added additional and unexpected specificity by directing the Postal Service to provide the following data by no later than September 18, 2020:

1. Market Dominant on-time service performance and service variance results<sup>3</sup> at the national, area, and district levels for each week for the period of June 1, 2020, through September 4, 2020. The on-time and variance results shall correspond to the level of disaggregation (*i.e.*, product and service standard) required by 39 C.F.R. part 3055.
2. Market Dominant on-time service performance and service variance results at the national, area, and district levels for each week corresponding to question 1, for the same period last year (“SPLY”, *i.e.*, the corresponding weeks in FY 2019). The on-time and variance results shall correspond to the level of disaggregation (*i.e.*, product and service standard) required by 39 C.F.R. part 3055.<sup>4</sup>

The Postal Service understands each request in CIR No. 3 to require the Postal Service to produce the scope of data that the Postal Service produces quarterly to the Commission for all Market Dominant products in connection with the Commission’s rules pertaining to periodic reports, 39 C.F.R. § 3055,<sup>5</sup> and to additionally disaggregate the data weekly for each week from June 1, 2020 to September 4, 2020 and for June 1, 2019 to September 4, 2019. This is far beyond the intended scope of Mr. Hutkins’ request for weekly service performance data. On September 3, 2020, the Postal

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<sup>3</sup> On-time service performance results refer to the percentage (rounded to one decimal place) of mail delivered within its applicable service standard. Service variance results refer to the percentage (rounded to one decimal place) of mail delivered within +1 day, +2 days, and +3 days of its applicable service standard. CIR No. 3, at 1.

<sup>4</sup> CIR No. 3, at 1-2.

<sup>5</sup> See, *e.g.*, Postal Service’s periodic service performance reports for Quarter 3 of FY 2020 filed with the PRC on August 10, 2020.

Service provided the U.S. Congress with service performance information at the mail class level and at the Nation, Area, and District levels for First-Class Mail, USPS Marketing Mail, and Periodicals for each week for the period of January 4, 2020 through August 28, 2020.<sup>6</sup> Based on the Postal Service's understanding of CIR No. 3, the Commission, however, is requesting much more data than the Postal Service provided in its responses to the U.S. Congress.

The information sought by CIR No. 3 cannot be produced by the Postal Service through only reasonable effort and expense.<sup>7</sup> The Postal Service estimates that each of the 28 weekly reports responsive to CIR No. 3, with each report consisting of more than 30 excel files and over 380 worksheets, would take approximately 150 hours to produce. The Postal Service estimates that it would take approximately 4,300 hours to prepare all the data responsive to CIR No. 3.<sup>8</sup> These estimations are based on the Postal Service's longstanding experience with producing service performance reports for the Commission.

The time to produce these reports is necessary because the Postal Service does not maintain service performance data in the format and disaggregation level requested by the Commission in CIR No. 3 in the normal course of business. To produce reports at the week-level of disaggregation, the Postal Service would need to follow the same process used to generate the quarterly reports, which entails extracting and aggregating

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<sup>6</sup> On September 10, 2020, the Postal Service provided the U.S. Congress with an updated report with service performance information at the mail class level and at the Nation, Area, and District levels for First-Class Mail, USPS Marketing Mail, and Periodicals for each week for the period of January 4, 2020 through September 4, 2020.

<sup>7</sup> See 39 C.F.R. § 3010.170(b)(1).

<sup>8</sup> Includes approximately 100 additional hours to generate the weights necessary to produce these reports.

data from the internal service performance measurement system, generating and formatting the excel reports, and performing data quality checks. This process would need to be repeated 28 times to produce the service performance reports for each of the weeks responsive to CIR No.3. Given the amount of time necessary to produce each report, that the work required to produce each report must be done in a sequential manner, and that this work would need to be done by dedicated personnel on top of their regular duties, the Postal Service estimates that it would take approximately 56 weeks to compile all of the data responsive to CIR No. 3.

This immense additional workload for the Postal Service to respond to CIR No. 3 would be very costly and time-consuming for the Postal Service to undertake. Noting the Postal Service's precarious financial condition, the imposition of any additional cost and time burdens would be very difficult for the Postal Service to absorb. The burden for the Postal Service to respond to CIR No. 3 is thus not insignificant, and clearly outweighs any contribution that this information would make to the record. The Postal Service requests, therefore, that the Commission reconsider information requests one and two in CIR No. 3.

Specifically, the Postal Service requests that the PRC amend CIR No. 3 to direct the Postal Service to:

1. Please provide service performance scores at the mail class level and at the National, Area, and District levels for First-Class Mail, USPS Marketing Mail, and Periodicals for each week for the period of May 30, 2020, through September 4, 2020.
2. Please provide service performance scores at the mail class level and at the National, Area, and District levels for First-Class Mail, USPS Marketing Mail, and

Periodicals for each week corresponding to question 1, for the same period last year (“SPLY”, *i.e.*, the corresponding weeks in FY 2019).

This suggested level of reporting corresponds to the recent weekly service performance data that the Postal Service provided to the U.S. Congress. The Postal Service submits that this will provide the Commission with sufficient data to materially assist the Commission in the context of the Annual Compliance Review proceeding.<sup>9</sup> Specifically, these data will allow the Commission to review the Postal Service's weekly service performance results from June 1, 2020 through September 4, 2020, enable trend analysis, and order any remedial measures, should they be required.<sup>10</sup> Additionally, since the Postal Service has already provided some of the data responsive to these revised requests to the U.S. Congress, the Postal Service estimates that it would need only an additional 20 hours to compile all the additional data responsive to these revised requests and would, therefore, be able to meet the Commission's September 18 deadline noted in CIR No. 3.

In the alternative, if the Commission determines that the Postal Service must produce all of the specific data currently requested by CIR No. 3, the Postal Service will need a substantial extension of time to submit its response to CIR No. 3. This requested extension will allow the Postal Service a reasonable amount of time to gather and analyze the pertinent information, and allow for sufficient time for internal review. Given the limited scope of the Annual Compliance Determination process and the fact that quarterly data will be produced for Quarter 4 before all of the weekly data at the level

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<sup>9</sup> PRC Order No. 5671 at 5.

<sup>10</sup> *Id.* at 6-8 and 11-12.

requested by the Commission can be produced, the Postal Service does not believe that there is utility in the Postal Service attempting to provide the weekly data requested by CIR No. 3 to the Commission at a much later date. Instead, the Postal Service respectfully submits that the Commission and the public would receive ample information needed to perform any necessary review, notwithstanding the adjustments the Postal Service requests in the instant motion.

The Postal Service accordingly requests reconsideration of the information requests in CIR No. 3 and issuance of a revised information request as proposed in the instant motion.

Respectfully submitted,

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