ORDER GRANTING PARTIAL RECONSIDERATION AND EXTENSION OF TIME TO RESPOND TO REVISED COMMISSION INFORMATION REQUEST NO. 3

(Issued September 30, 2020)

I. INTRODUCTION

This Order considers the Motion filed by the Postal Service seeking that the Commission reconsider the scope and response deadline regarding the weekly Market Dominant service performance reports sought in Commission Information Request No. 3.¹ For the reasons discussed below, the Motion is granted in part and denied in part; Revised Commission Information Request No. 3 shall issue regarding the Postal Service’s First-Class Mail, Periodicals, and USPS Marketing Mail weekly service performance results, disaggregated by product and service standard, for the period of June 1, 2020, through September 25, 2020, and the corresponding period of Fiscal Year (FY) 2019.

¹ 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 (Motion); Commission Information Request No. 3, September 3, 2020 (CIR No. 3).
II. MOTION

The Postal Service seeks that Commission Information Request No. 3 be limited to seek service performance scores at the mail class level for First-Class Mail, Periodicals, and USPS Marketing Mail, or in the alternative, grant an extension of time to respond. See Motion at 4-5. The Postal Service raises two arguments in support of its motion. First, the Postal Service asserts that CIR No. 3 seeks more information than requested by Steve Hutkins and more information than the Postal Service voluntarily provided to Congress. See Motion at 1-2. Second, the Postal Service claims that “[t]he information sought by CIR No. 3 cannot be produced by the Postal Service through only reasonable effort and expense.” Id. at 3.

III. COMMISSION ANALYSIS

The Postal Service seeks that the Commission narrow the scope of CIR No. 3. Rather than produce results that would correspond to the level of disaggregation used in the established reporting requirements appearing in 39 C.F.R. part 3055, the Postal Service seeks to produce simplified reports to the Commission, which would provide composite scores at a higher level of aggregation, class of mail, and correspond with information that the Postal Service has already provided to Congress. See id. at 4-5. The Commission denies the Postal Service’s request to provide composite scores. The proffered composite scores, which are aggregated by class, would mask several of the trends that the Commission is endeavoring to evaluate and, therefore, would be insufficient.

2 Motion for Issuance of Information Request No. 3 - Steve Hutkins, August 21, 2020 (Hutkins Motion).
As the Commission has previously explained, the Commission evaluates Market Dominant on-time service performance by product, not by class of mail.\(^3\) In monitoring service performance results, the Commission has focused on encouraging the Postal Service to collect data in a consistent manner that would help to ascertain which Postal Service actions contribute to improving service performance results and the relative significance of those actions.\(^4\) Accordingly, the Commission analyzes data at finer levels of disaggregation to determine the nature and extent of compliance issues, the drivers of increases and/or decreases in performance levels, and the appropriate remedial action. See Order No. 5671 at 5-8. Among other things, the information sought by CIR No. 3 would be relevant and likely to materially assist the Commission’s evaluation of the nature and scope of the appropriate remedy for service performance non-compliance observed in FY 2019. See id. As previously explained, the Commission examined the Postal Service’s past initiatives to identify and abate transit failures and directed the Postal Service to provide supplemental information regarding the efficacy of its FY 2020 transit improvement efforts and operational initiatives. See id.; see also FY 2019 ACD at 109-112, 119-121. Therefore, the information sought is relevant and likely to materially assist the Commission in the performance of its statutory responsibilities. See 39 C.F.R. § 3010.170(a), (e); see also Order No. 5671 at 5-8, 12.

With respect to the Postal Service’s assertions that CIR No. 3 seeks more information than requested by Steve Hutkins\(^5\) and more information than the Postal

\(^3\) See Order Granting Motion for Information Request, September 3, 2020, at 12, n.19 (Order No. 5671).


\(^5\) The Commission observes that Mr. Hutkins, an interested member of public who upon learning that weekly Market Dominant service performance data was publicly available for certain Postal Service administrative areas, deferred to the Commission’s expertise with respect to the format of the information, yet aimed to seek information that would correspond with the established reporting by the Postal Service to the Commission. See Hutkins Motion at 5.
Service voluntarily provided to Congress (see Motion at 1-2), neither controls the scope of the information sought by the Commission. As stated previously, the scope of the information sought is governed by the discretion of the Commission, the Chairman of the Commission, or a presiding officer, acting as a gatekeeper in accordance with the Commission’s rules. See Order No. 5671 at 9. The Commission has determined that information sought is relevant and likely to materially assist the Commission in the performance of its statutory responsibilities. See Order No. 5671 at 5-8, 12; see also 39 C.F.R. § 3010.170(a), (e).

In all information requests, the Commission aims to seek information that is in the Postal Service’s possession or control, or can be obtained by the Postal Service through reasonable effort and expense. See 39 C.F.R. § 3010.170(b)(1); see also Order No. 5671 at 11. With respect to the Postal Service’s new claims that the information sought is unduly burdensome to produce,6 the Postal Service’s description of the estimated timeframe to respond is difficult to reconcile with the Postal Service’s descriptions of its capacity to collect and leverage service performance data in near-real time.7 The Commission reiterates that the paramount goal of service performance monitoring is to collect and leverage service performance data in a manner that is meaningful: that is to, enable the audience to identify the most impactful drivers of failure, analyze trends, and connect results with best practices for service performance improvement. See FY 2019 ACD at 101, 115. Nonetheless, in an effort to expedite the

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6 See Motion at 3-4. No concerns regarding undue burden were raised previously by the Postal Service. See Order No. 5671 at 11.

7 See, e.g., Docket No. ACR2015, Second Response of the United States Postal Service to Commission Requests for Additional Information in the FY 2015 Annual Compliance Determination, June 27, 2016, Service Improvement Plan at 20 (describing that formerly-pending and subsequently-implemented Postal Service’s Service Performance Measurement system, which “includes a web-based program that provides near real-time intelligence from collections to delivery.”). Further, as the Commission has previously explained, this system uses “scanning devices [which] have geo-location capabilities such that the location of the scanner is known to the Postal Service essentially in real time.” Docket No. PI2015-1, Order Approving Use of Internal Measurements Systems, July 5, 2018, at 18, n.37 (Order No. 4697).
process, the Commission refines the scope of the information sought to seek only First-Class Mail, Periodicals, and USPS Marketing Mail on-time service performance results, disaggregated by product and service standard. The Motion is granted insofar as Market Dominant results for Package Services, Special Services, and service variance are not sought at this time. Additionally, a brief extension is granted. Accordingly, revised Commission Information Request No. 3 shall issue, and the Postal Service will be allowed 7 additional days from today to respond.

IV. ORDERING PARAGRAPHS

It is ordered:

1. The 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, is granted in part and denied in part.

2. Revised Commission Information Request No. 3 shall issue.

By the Commission.

Erica A. Barker
Secretary

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As previously stated, the Commission does not interpret Mr. Hutkins as requesting information regarding Competitive products and neither version of CIR No. 3 seeks such information. See Order No. 5671 at 4, n.8.