

**BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001**

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OFFICE OF THE SECRETARY

**POSTAL RATE AND FEE CHANGES, 2000**

**Docket No. R2000-1**

**DOUGLAS F. CARLSON  
COMMENTS ON PROCEDURAL ISSUES**

**January 31, 2000**

POR R2000-1/1 invited comments on the proposed procedural calendar for Docket No. R2000-1.<sup>1</sup> I am pleased to provide comments on two procedural issues.

**Procedural Calendar**

The proposed procedural calendar sets a deadline of Monday, August 7, 2000, for filing initial briefs and a deadline of Tuesday, August 15, 2000, for filing reply briefs.<sup>2</sup> This eight-day turnaround period would pose an unreasonable burden for intervenors who reside outside the Washington, DC, area. In the best-case scenario, an intervenor in California would receive all initial briefs by Thursday, August 10. If he wished to avoid the expense of overnight mail service for delivering his reply brief to the Commission, this intervenor would have only until Saturday to read the briefs, write a reply brief, photocopy a reply brief, and mail a reply brief to over 100 parties. In reality, not all reply briefs will arrive in the mail by Thursday, August 10, thus shortening the response period to an unreasonable one day or less. While the Commission's new Web site is an excellent resource for participants, promptly posting documents in a variety of formats and facilitating easy navigation to documents within the site, participants should not be required to rely on the electronic versions of the initial briefs. Reading a large number of briefs on-line, many of which will be large documents, will not be practical.

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<sup>1</sup> POR R2000-1/1 at 1.

<sup>2</sup> *Id.* at Attachment A, page 2.

I propose that the Commission provide enough time between the deadlines to allow all participants a full weekend to read the initial briefs, prepare their reply briefs, and mail their briefs via First-Class Mail or Priority Mail. Because of work obligations, individual participants need time on weekends to work on these cases. A filing deadline for reply briefs of Thursday, August 17, 2000, or Friday, August 18, 2000, would be a major improvement and would help to reduce the considerable expense of participating in an omnibus rate case.

### **Service List**

I appreciate the Commission's new practice of updating the service list on-line daily as it changes. I wish, however, to suggest one improvement.

Under sections 12(b) and 25(a) of the *Rules of Practice*, participants do not need to serve discovery-related documents such as interrogatories to the general service list. Rather, these documents need to be served only upon the Postal Service and the party subject to the discovery request. However, under section 25(a), many participants file a special request for service of all discovery-related documents. In Docket No. R97-1, the Commission published only the general service list, so participants were required to annotate this service list by hand to create a second service list of only those parties who requested service of all discovery-related documents. This process was time-consuming, and many parties simply served all documents on all participants, perhaps because they decided not to spend time annotating the service list.

I request that the Commission consider modifying the current service list to indicate which parties have requested service of discovery-related documents. In addition, or in the alternative, the Commission could publish a second service list on the Web site that shows only those parties who have requested service of all discovery-related documents. If a second list were published, parties serving interrogatories could easily download that service list and serve only the necessary parties.

The current practice by many parties of serving all parties with their interrogatories wastes paper and drives up their litigation expenses. In addition, the extra service of these documents consumes the time of the recipients, who must open, review, and discard this mail. Many parties do not request service of interrogatories

because they know that they will see the interrogatories when the responding party files its responses. Assuming some of the service upon all parties occurs because parties decide that manually maintaining an annotated service list would be burdensome, the Commission's database probably could solve this problem by creating a second service list that would facilitate limited service of discovery-related materials only to those parties who have filed a special request to receive them.

A ruling from the presiding officer establishing this second service list would alert parties to the existence of a second list. The ruling also could list the types of discovery-related documents that need to be served only upon those parties requesting special service.

Respectfully submitted,



Dated: January 31, 2000

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DOUGLAS F. CARLSON

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### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with section 12 of the *Rules of Practice*.



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DOUGLAS F. CARLSON

January 31, 2000  
Emeryville, California