

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO CARLSON INTERROGATORIES DFC/USPS-38-39, 42- 45

The Postal Service hereby objects, in whole or in part, to the above interrogatories filed by Mr. Carlson on February 17, 2000, and directed to the Postal Service. As discussed below, all of these questions lack relevance, and others are purely argumentative. In large measure, these questions follow-up on responses (filed on February 7th) to Mr. Carlson's interrogatories 1-12 to the Postal Service. In questions 1-12, Mr. Carlson was apparently attempting to explore the general topic of whether the Postal Service has a policy against regular processing of outbound First-Class collection mail on Sundays, whether some facilities nonetheless do regularly process outgoing First-Class Mail on Sundays, and whether this alleged lack of consistency was discriminatory to First-Class customers served by facilities with no Sunday processing.

Although concerned about a lack of relevance, the Postal Service attempted to be cooperative, and responded to those questions. The substance of the Postal Service's responses were to confirm that the national policy is to not regularly process outgoing First-Class collection mail on Sundays, and to state that although there are occasionally some instances in which facilities do Sunday processing, the Postal Service does not consider that any facilities regularly process collection mail on Sundays. Moreover, in response to the accusations of discrimination, the Postal Service pointed out that not only is it unaware of any inconsistency, but even if some isolated exceptions to the policy could be identified, they would have no bearing on a

ratemaking process in which uniform First-Class letter rates are established which intentionally involve significant rate averaging, and which must be applied in the context of a nationwide postal network over which a wide variety of operational conditions exist.

Mr. Carlson has now come back with follow-up questions. Not only is the subject matter of these questions irrelevant and immaterial, but several of them are also blatantly argumentative. The Postal Service objects to question 38-39 and 42-45. To place these objections in context, however, it may also be useful to discuss a related question to which the Postal Service is not objecting. In question 41, Mr. Carlson moves beyond the subject of intra-subclass service comparisons to inter-subclass service comparisons by now additionally seeking information on nationwide Sunday practices with respect to Express Mail and Priority Mail. The Postal Service acknowledges that the issue of different nationwide Sunday service practices for different subclasses is relevant, at least to some degree, to the relative value of service of the subclasses. Therefore, the Postal Service will respond to question 41.

Mr. Carlson, however, attempts to bootstrap this new line of inquiry on inter-subclass comparisons into an argument supporting the relevance of his original questions. (Mr. Carlson's original set of questions were limited to intra-subclass comparisons of First-Class mail customers.) In question 44, he explicitly seeks confirmation that being able to identify any facilities that regularly process First-Class Mail on Sundays is relevant to inter-subclass comparisons of value of service. First of all, this is an entirely inappropriate use of discovery. Argument on legal matters such as relevance should be conducted through legal pleadings, not through interrogatories. Question 44 is objectionable on that basis alone.

Moreover, he is simply wrong on the substance. The Postal Service has stated its nationwide policy on Sunday processing of First-Class collection mail. The Postal Service has stated that it is unable to identify any facilities that do not comply with the

nationwide policy on a regular basis. For purposes of contrasting the value of service of First-Class Mail under this policy with the subclass which can receive regular Sunday processing (i.e., Express Mail), this information is more than sufficient to make any relevant comparisons. To attempt instead to proceed facility-by-facility and quibble over what is or is not “regular” Sunday processing in some limited number of instances, which apparently is what Mr. Carlson has in mind, is not going to add anything material to the Commission’s evaluation of the relative cost coverages of First-Class Mail and Express Mail. There are much more pressing matters to address in the 10 months allotted by statute to the ratemaking process.

The same lack of relevance infects question 42. That question seeks a previously-published list of mail acceptance facilities that are always open, and an indication of whether each one dispatches First-Class Mail, Priority Mail, or Express Mail tendered on Sunday. In responding to question 41 and earlier questions, the Postal Service will have already provided the relevant information on nationwide policies for Sunday handling of each subclass. To address the exact same topic on a facility-by-facility basis would be irrelevant, duplicative, and potentially burdensome.

Questions 39 and 43 are follow-up questions to specific portions of earlier answers. The Postal Service submits that these questions are also fundamentally irrelevant, for the same reason that this entire subject matter is irrelevant. Because these are relatively narrow follow-ups, however, the Postal Service will provide answers, but without waiving its relevance objection or expecting to respond to any further follow-up.

Questions 38 and 45, on the other hand, are totally objectionable. Question 38 reads:

Please confirm that the Postal Service’s responses to DFC/USPS-3, 5, and 8 may not be true and accurate.

Question 45 reads:

Please provide true and accurate responses to DFC/USPS-3, 5, and 8.

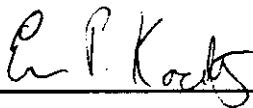
These questions are argumentative, and constitute improper discovery. Posing questions such as numbers 38 and 45 does nothing to advance the ratemaking process in general, or the discovery process in particular.

In conclusion, the Postal Service objects to questions 38-39 and 42-45 from Mr. Carlson, although, without waiving its objections, it will voluntarily provide responses to numbers 39 and 43.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorney:



Eric P. Koetting

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.



Eric P. Koetting

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February 28, 2000