

UNITED STATES OF AMERICA
Before The
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE CLERK

Postal Rate and Fee Changes)

Docket No. R2000-1

OFFICE OF THE CONSUMER ADVOCATE
ANSWER IN SUPPORT OF DOUGLAS F. CARLSON
MOTION TO COMPEL RESPONSES
TO DFC/USPS-18, -19(c), AND -20(b)-(e)
(March 10, 2000)

The Office of the Consumer Advocate hereby supports the motion of Douglas F. Carlson to compel the Postal Service to respond to interrogatories DFC/USPS-18, -19(c), and -20(b)-(e), dated February 28, 2000, and docketed March 7, 2000. Answers to these interrogatories will assist OCA in developing a Courtesy Envelope Mail (CEM) proposal for this docket. The interrogatories in dispute are attached.

As Mr. Carlson's motion states, the Governors of the Postal Service rejected a CEM proposal in Docket No. R97-1. One of the reasons given for rejecting CEM was the possible confusion that could be generated by various values of stamps for mailing single-piece First-Class one-ounce letters. Answers to these interrogatories, Mr. Carlson argues, would establish that the so-called "confusion argument" is fallacious if the responses show that existing stamp programs cause higher levels of "confusion" than would be generated by a CEM classification and rate.

From the objections themselves it is apparent that the Postal Service already knows the answers to many of the questions. The Service has exerted more effort in

objecting than would be required to answer. It should also be apparent from Mr. Carlson's motion and the instant pleading that answers to the interrogatories would not only "lead to the discovery of admissible evidence," but would be admissible themselves. There is neither a burden argument nor a relevance argument that withstands scrutiny. As for the Service's privilege claims, no basis for privilege has been offered. Privilege is simply asserted, but no "reasons for its applicability" have been stated. 39 C.F.R. § 3001.26(c). The Service's objections are not well-founded and should be disregarded by the Presiding Officer.

Respectfully submitted,

OFFICE OF THE CONSUMER ADVOCATE



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INTERROGATORIES DFC/USPS-18, -19(c), -20(b)-(e)

DFC/USPS-18.

- a. Please confirm that the Postal Service issued a Breast Cancer Research semipostal stamp in July 1998. If you do not confirm, please explain.
- b. Please confirm that the Breast Cancer Research stamp shows the words "First-Class" rather than a number of dollar or cents. If you do not confirm, please explain.
- c. Please confirm that the Breast Cancer Research stamp was sold in 1998 for 40 cents while the one-ounce single-piece First-Class rate was 32 cents. If you do not confirm, please explain.
- d. Please confirm that the Breast Cancer Research stamp continues to sell for 40 cents now that the single-piece First-Class rate is 33 cents. If you do not confirm, please explain.
- e. Please confirm that a Breast Cancer Research stamp purchased before January 10, 1999, the date on which the single-piece First-Class rate rose to 33 cents, is or may be identical in appearance to a Breast Cancer Research stamp purchased after January 10, 1999. If you do not confirm, please explain any differences in appearance.
- f. Suppose a customer purchased a Breast Cancer Research stamp on November 1, 1998, when the single-piece First-Class rate was 32 cents. If a customer uses this stamp to mail a single-piece First-Class letter on February 15, 2000, must this customer affix a one-cent stamp or otherwise pay an additional cent in postage? If the answer is not yes, please explain.
- g. Please confirm that a customer who purchased Breast Cancer Research stamps before January 10, 1999, may still have some of these stamps in his possession. If you do not confirm, please explain.
- h. Please confirm that the customer described in (g) subsequently may purchase Breast Cancer Research stamps after January 10, 1999. If you do not confirm, please explain.
- i. Please confirm that the customer described in (g) and (h) may subsequently, either accidentally or intentionally, mix the two sets of Breast Cancer Research stamps in his possession in such a way that the customer no longer can distinguish between the stamps he purchased before January 10, 1999, and the stamps he purchased after January 10, 1999. If you do not confirm, please explain.
- j. Please confirm that the customer described in (i) also may lose count of how many stamps he purchased before January 10, 1999, and how many stamps he purchased after January 10, 1999. If you do not confirm, please explain.

- k. Please confirm that the customer described in (i) may be an honest postal customer who wishes to pay the proper amount of postage for every letter he sends. If you do not confirm, please explain.
- l. Please confirm that the customer described in (k) may be unable, despite his best intentions, to determine whether he should add an additional cent to some of the letters that he mails using his Breast Cancer Research stamps.
- m. Please confirm that the customer described in (i) may be a postal customer who would pay less than the proper amount of postage if he believed that his underpayment would go undetected. If you do not confirm, please explain.
- n. For a single-piece First-Class letter mailed on February 15, 2000, using a Breast Cancer Research stamp, please confirm that the Postal Service would be unable to determine whether the Breast Cancer Research stamp was purchased before January 10, 1999, or after January 10, 1999. If you do not confirm, please explain.
- o. For a single-piece First-Class letter mailed on February 15, 2000, using a Breast Cancer Research stamp, please confirm that the Postal Service would have no effective way of determining whether postage on that letter was underpaid by one cent. If you do not confirm, please explain.
- p. Please confirm that the Postal Service's implementation of the legislation mandating the Breast Cancer Research stamp relies, to a certain extent, on the honesty of the public in paying an additional cent when necessary. If you do not confirm, please explain.
- q. Please provide copies of all materials that the Postal Service has prepared for educating employees and the public on the possible need to pay an additional cent when using the Breast Cancer Research stamp. If no materials have been prepared and widely disseminated, please explain why not.
- r. Please confirm that any problems that exist today concerning the uncertainty about the need to add additional postage when using a Breast Cancer Research stamp will continue for the foreseeable future, even after future rate increases, because the underlying postage value of a particular Breast Cancer Research stamp could be either 32 cents or 33 cents.
- s. Please describe the efforts that the Postal Service has taken to measure the postage underpayment associated with letters mailed using Breast Cancer Research stamps since January 10, 1999. If the Postal Service has not sought to measure the postage underpayment, please explain why not.
- t. Please provide copies of all documents and analyses explaining why the Postal Service could not have implemented, or chose not to implement, the legislation mandating the Breast Cancer Research stamp by issuing a stamp in 1998 that showed 32 cents postage and a second, otherwise-identical stamp on or before January 10, 1999, that showed 33 cents postage.

DFC/USPS-19.

- c. Please confirm that postal clerks, no matter how properly trained, would be unable to determine whether the postage on a one-ounce single-piece First-Class letter mailed on February 15, 2000, using a Breast Cancer Research stamp was underpaid. If you do not confirm, please explain.

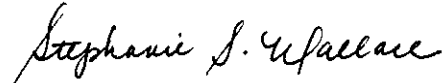
DFC/USPS-20.

- b. Please provide the results of all analyses that the Postal Service has conducted on the extent of customer confusion about the Breast Cancer Research stamp.
- c. Does postal management support the notion of issuing another semipostal stamp in the future? Please explain.
- d. If postal management generally supports issuing another semipostal stamp, please confirm that this decision indicates that the benefits associated with the semipostal stamp outweigh the problems associated with it. If you do not confirm, please explain.
- e. For this question, please choose either "simplify" or "complicate" and, if desired, explain your answer. Did the Breast Cancer Research stamp generally (i) simplify or (ii) complicate the nation's mail system?

Docket No. R2000-1

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.


STEPHANIE S. WALLACE

Washington, D.C. 20268-0001
March 10, 2000