

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

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY**

**POSTAL RATE AND FEE CHANGES, 2000**

**Docket No. R2000-1**

**DOUGLAS F. CARLSON  
ANSWER IN SUPPORT OF MOTION  
OF UNITED PARCEL SERVICE TO COMPEL  
PRODUCTION OF INFORMATION AND DOCUMENTS  
REQUESTED IN INTERROGATORY  
UPS/USPS-T34-11 TO WITNESS ROBINSON**

**March 16, 2000**

I support the motion of United Parcel Service to compel the Postal Service to provide national performance scores ("PETE" scores) for delivery of Priority Mail.<sup>1</sup>

Delivery time of Priority Mail is highly relevant to determining the value of the service. Since value of service is an important criterion in postal ratemaking,<sup>2</sup> the relevance and importance of this information are beyond dispute.

The Postal Service objected to providing this information on the grounds that it is proprietary, confidential, and commercially sensitive.<sup>3</sup> These concerns are easily dismissed. First, as a government agency whose mission is to serve the public, the Postal Service cannot reasonably claim that delivery-performance data are proprietary and commercially sensitive. Delivery-performance data reveal the extent to which the Postal Service does or does not meet its advertised two- to three-day delivery time for Priority Mail. In general, Americans have a right to obtain information to allow them to

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<sup>1</sup> Motion of United Parcel Service to Compel Production of Information and Documents Requested in Interrogatory UPS/USPS-T34-11 to Witness Robinson (filed March 13, 2000).

<sup>2</sup> 39 U.S.C. § 3622(b)(2).

<sup>3</sup> Objection of United States Postal Service to UPS Interrogatory UPS/USPS-T34-11 to Witness Robinson (filed February 28, 2000).

scrutinize the activities of their government.<sup>4</sup> Moreover, the fundamental purpose of this public ratemaking process is to allow any interested party to obtain relevant information through discovery and introduce this information into evidence to advocate for changes in the cost coverage of any class of mail. Disclosure of PETE scores will advance a fundamental principle of the ratemaking process, overtaking any claim that the information is proprietary or commercially sensitive.

More significantly, this information, however commercially sensitive it might be, already is public information. As UPS noted, at Postal Service headquarters, numerous district and area newsletters are available to the public. Many newsletters — more than just those that UPS cited — provide PETE scores for districts and areas. The Postal Service cannot now claim that PETE scores are proprietary, commercially sensitive, or confidential because the information, through the Postal Service's own actions, is in the public domain.

The presiding officer should direct the Postal Service to provide PETE scores.

Respectfully submitted,



DOUGLAS F. CARLSON

Dated: March 16, 2000

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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*.



DOUGLAS F. CARLSON

March 10, 2000  
Emeryville, California

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<sup>4</sup> See *Getman v. NLRB*, 450 F.2d 670, 680 (D.C. Cir. 1971), discussing congressional history of the Freedom of Information Act.