

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
MOTION TO COMPEL THE UNITED STATES POSTAL SERVICE
TO RESPOND TO INTERROGATORY DFC/USPS-53

March 27, 2000

Pursuant to Rule 26(d), I move to compel the Postal Service to respond to interrogatory DFC/USPS-53. This interrogatory reads as follows:

DFC/USPS-53. Please refer to the response to DFC/USPS-T34-13 and provide the ZIP Code pairs referenced in parts (1) and (2) of the response.

The ZIP Code pairs in question are (1) the 49 ZIP Code pairs where First-Class Mail provides overnight service, while Priority Mail provides two-day service, and (2) the 151 ZIP Code pairs where Priority Mail provides overnight service, while First-Class Mail provides two-day service.¹ The Postal Service objected on the grounds of relevance and commercial sensitivity.² The Postal Service's objection is without merit.

The extent to which First-Class Mail and Priority Mail have different service standards is relevant to determining the proper relative cost coverage of each service. For example, if the 151 ZIP Code pairs where Priority Mail provides overnight service while First-Class Mail provides two-day service generally represent major metropolitan areas, the Commission might conclude that Priority Mail has a higher value of service relative to First-Class Mail than if the superiority of Priority Mail is randomly distributed or exists primarily between cities where the volume of time-sensitive mail would be

¹ Response to DFC/USPS-T34-13.

² Objection of United States Postal Service to Carlson Interrogatory DFC/USPS-53 (filed March 17, 2000).

expected to be fairly low. In fact, this information might even affect the relative cost coverage of First-Class Mail, Priority Mail, and Express Mail to the extent that Priority Mail offers overnight service while First-Class Mail offers two-day service. This interrogatory clearly is reasonably calculated to lead to admissible evidence, as testimony submitted by a participant discussing the relative cost coverage of these three services based on an analysis of delivery standards would be relevant and admissible.

The Postal Service also objects to providing the information "on the grounds that the information associated with data base errors, while in the process of being corrected, could be used by competitors to harm the commercial interests of the Postal Service." The original interrogatory response, DFC/USPS-T34-13, stated that the 49 ZIP Code pairs where First-Class Mail provides overnight service while Priority Mail provides two-day service "appear to be database errors and are being resolved." The Postal Service did *not* claim that the 151 ZIP Code pairs where Priority Mail provides overnight service while First-Class Mail provides two-day service are database errors. The commercial-sensitivity objection therefore applies only to the 49 ZIP Code pairs where First-Class Mail provides overnight service while Priority Mail provides two-day service.

Several problems plague the Postal Service's objection. First, these 49 pairs are not necessarily database errors. Rather, they only "appear" to be. These 49 pairs may represent reality. Second, the apparent errors are being corrected. As the errors are corrected, the Postal Service's objection evaporates. Moreover, the Postal Service should be able to resolve any errors before filing the data. Among other methods, the Postal Service could contact the processing plants in question and determine the service standards that they apply to the mail in question. Correcting 49 errors does not create an undue burden. To the extent that errors remain, the Postal Service should provide this information with the clear proviso that it may not be accurate. As the errors are corrected, the Postal Service should provide updated information.

Another problem with the Postal Service's commercial-sensitivity objection is that the information, accurate or not, already is in the public domain. The Postal Service provides customers with a Service Standards CD-ROM that displays, in map form,

service standards for First-Class Mail and Priority Mail for all origin-destination pairs.³ Moreover, the Postal Service has provided me, and presumably other customers, a data file containing the same information. With computer analysis — the type of analysis that the Postal Service apparently already has conducted to determine the number of ZIP Code pairs provided in response to DFC/USPS-T34-13 — a person can determine these ZIP Code pairs. Information is not commercially sensitive if it already is public information. This information is public information.

In sum, the relevance of this information to determining the value of service of First-Class Mail, Priority Mail, and Express Mail and the appropriate cost coverage of each service is clear. Moreover, the information in question already is public information. Therefore, the Postal Service's objection has no merit.

The Postal Service should be directed to respond to DFC/USPS-53.

Respectfully submitted,

Dated: March 27, 2000



DOUGLAS F. CARLSON

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 27, 2000
Emeryville, California

³ The Commission discussed this software in Order No. 1227.