

**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-72**

April 14, 2000

On March 23, 2000, I filed interrogatory DFC/USPS-72, which asks the Postal Service to "provide all policies that explain and govern the Postal Service's obligation, if any, to provide every American mail delivery six days per week." The Postal Service filed an objection on April 3, 2000, on the grounds of materiality and relevance.¹ Pursuant to Rule 26(d), I move to compel the Postal Service to respond to DFC/USPS-72.

In this proceeding, the Postal Service proposes a new classification scheme that would impose fees for post-office boxes based, the Postal Service asserts, on facility rental costs. The Postal Service's proposed fee structure does not consider other aspects of box service that affect the value of service, such as the absence of mail delivery on Saturdays at some offices.² Indeed, the Postal Service does not know the extent to which box customers do not receive mail on Saturdays.³ The absence of Saturday delivery arguably diminishes the value of service that some customers receive, and these customers should not pay fees based solely on costs of providing service if they receive a level of service that departs substantially from the national norm.

¹ Objection of the United States Postal Service to Interrogatories of Douglas F. Carlson (DPB/USPS-71-73, and 75) [sic] (filed April 3, 2000).

² See, e.g., Responses to DFC/USPS-T39-13, DFC/USPS-T39-37, DFC/USPS-T39-61, DBP/USPS-95, and DBP/USPS-120.

³ Response to DFC/USPS-T39-11.

The Postal Service also has confirmed that some post offices in remote areas receive mail as few as three days per week.⁴ Once again, to adjust box fees in these areas based on facility rental costs — possibly even increasing fees for some of these customers — would be unfair if these customers are receiving mail delivery fewer than six days per week.

The record is devoid of information on the number of box customers who receive delivery service fewer than six days a week. The absence of this information, along with other defects in the Postal Service's proposed fees that I will identify later in this case, threatens the viability of the Postal Service's proposal and impedes participants and the Commission from conducting a thorough analysis of the Postal Service's proposed fees. In fact, the presiding officer has acknowledged the relevance of this information, ruling, in another discovery dispute, that I have

made a minimal showing that at least some formal statement about access to boxes on Saturdays may help inform the record. For example, Mr. Carlson notes that he seeks the requested information because he believes that basing post office box fees on facility rental costs alone, as the Service proposes, is inappropriate.⁵

If any policies (including laws) exist requiring the Postal Service to offer mail delivery to every American at least six days a week, the box fees of customers who are receiving service fewer than six days a week should not be increased unless the new fees also consider the value of service that these customers receive. To do otherwise would be unfair and unjust. On this basis, my interrogatory is material and relevant, as any responsive information will enhance the record.

In its objection, the Postal Service also states, "Mr. Carlson can identify these policies himself by doing his own legal research, and the Postal Service should not be required to do it for him." This statement is not a valid basis for objection. The presiding officer recently ruled that the availability of an answer "in a published source does not mean that a participant has readily available access to that source or even

⁴ Response to DFC/USPS-23(b)-(d).

⁵ POR R2000-1/33 at 5 (April 10, 2000).

knows what source to consult."⁶ Moreover, no rule requires a participant to examine all available sources before filing an interrogatory.⁷

Significantly, I did not ask *only* for laws. Rather, I asked for "policies." If I were to search for policies, I would consult the DMM and POM as well as the United States Code, public laws, and case law. However, the DMM and POM do not necessarily contain current policies. The responses to DBP/USPS-76 and DFC/USPS-3 reveal that the Postal Service's current policy on processing outgoing First-Class Mail on Sundays appears not in the DMM or POM but in a 1988 hard-copy memo located in the files at Postal Service headquarters. The POM states an *outdated* version of this policy. To conduct a thorough review of Postal Service policy on delivery of mail six days a week, I would need to submit at least one Freedom of Information Act request to search for unpublished policies, possibly incurring significant charges for search time. The delay that a FOIA request would introduce at this point in this proceeding would be highly prejudicial to my case, and I should not be required to pay to obtain information that is directly relevant to the Postal Service's request for revised box fees. As a participant, I am entitled under 39 U.S.C. § 3624 and the Commission's *Rules of Practice* to use the discovery process to obtain relevant information from the Postal Service.

The presiding officer has already resolved the dilemma into which the Postal Service attempts to place me. Regarding interrogatories such as this one, the presiding officer ruled, "The Postal Service, being most familiar with Postal Service documentation and information, is the logical party to ask."⁸ Thus, my interrogatory is proper. Moreover, since information relating to the required frequency of mail delivery is relevant to the proposed reclassification of box fees, the Postal Service should be required to respond to DFC/USPS-72.

Respectfully submitted,



DOUGLAS F. CARLSON

Dated: April 14, 2000

⁶ POR R2000-1/28 at 5 (April 3, 2000).

⁷ *Id.*

⁸ *Id.*

TEXT OF ORIGINAL INTERROGATORY

DFC/USPS-72. Please provide all policies that explain and govern the Postal Service's obligation, if any, to provide every American mail delivery six days per week.

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

April 14, 2000
Emeryville, California