

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

RECEIVED
May 16 9 39 AM '00

POSTAL RATE AND FEE CHANGES, 2000

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY
Docket No. R2000-1

DOUGLAS F. CARLSON
MOTION TO COMPEL UNITED STATES POSTAL SERVICE
TO PROVIDE RESPONSIVE ANSWERS
TO INTERROGATORIES DFC/USPS-T39-36(b) and 71

May 12, 2000

I move to compel the Postal Service to provide responsive answers to interrogatories DFC/USPS-T39-36(b) and 71. The text of the original interrogatories appears at the end of this motion.

DFC/USPS-T39-36(b)

Interrogatory DFC/USPS-T39-36(b) asked the Postal Service to explain why customers may not receive mail and access their post-office boxes on Saturdays at the Byron Rumford Station in Oakland, California, the post office in Babb, Montana, and the station located in the Port Authority Bus Terminal in New York, New York. In POR R2000-1/33, the presiding officer ruled that "at least some formal statement about access to boxes on Saturdays may help inform the record."¹ The presiding officer directed the Postal Service to provide pre-existing documents explaining why no Saturday access is provided.²

This information is important because I intend to argue that pricing boxes based solely on costs would be unfair and inequitable for customers who have box service in high-rent areas but receive mail only five days a week. These customers should not pay more for their boxes than customers nearby who receive box mail six days a week.

On April 27, 2000, the Postal Service filed a response stating, "There is no pre-existing written policy, statement or other guidance addressing reasons why no

¹ POR R2000-1/33 at 5.

² *Id.* at 6.

Saturday access is provided.”³ The reason why the presiding officer limited the ruling to written documents is not clear, as the Postal Service often provides reasons for various policies and decisions without providing written documents. Even presiding officer’s information requests ask “why” questions. I am seeking information on why these three offices do not receive delivery of box mail on Saturdays. Despite the Postal Service’s response, the Postal Service may know the answer to my question. The Postal Service should explain why these offices do not deliver box mail on Saturdays. If the Postal Service does not know the answer, the Postal Service should respond accordingly. Such a response would be enlightening and useful, as it would demonstrate that some postal facilities offer no box service on Saturdays for reasons so obscure that the Postal Service cannot even explain them.

In POR R2000-1/33, the presiding officer directed the Postal Service to respond to DFC/USPS-T39-36(d). This interrogatory asked the Postal Service to confirm that access to the box section on Saturdays at the Byron Rumford Station could not have been accommodated architecturally. If the Postal Service was unable to confirm, the interrogatory asked the Postal Service to explain. On April 27, 2000, the Postal Service confirmed that “the Byron Rumford Station is located inside a federal facility that is completely locked on weekends for security reasons.”⁴ Since the station is *not* located inside a federal building, I contacted Postal Service counsel. The Postal Service filed a revised response on May 8, 2000. According to the revised response, the Postal Service is unable to confirm that the architecture of this station “absolutely precludes” Saturday access to the box section. The Postal Service added that this architecture provides access from the box lobby to the elevators of a federal facility that is otherwise locked on weekends for security reasons.

This response is misleading. The access to the elevators is through a door marked for emergency exit only that is equipped with an alarm designed to sound if the door is opened. The door leads into a secondary elevator lobby not normally controlled by security guards and metal detectors even on weekdays, so this door may pose as much of a security threat — if it poses a threat at all — during normal working hours as it would on Saturdays. Aside from this door, the station could be opened on Saturdays

³ Response of United States Postal Service to Interrogatory of Douglas F. Carlson, as Required by Presiding Officer’s Ruling No. R2000-1/33 (DFC/USPS-T39-36(B, D) (filed on April 27, 2000).

⁴ *Id.*

with no architectural modifications. After hours, the retail sections are securely separated from the box section and self-service area (e.g., mail drops, vending machines, etc.). Therefore, merely unlocking the outside entrance doors would provide Saturday access to the box section.

The revised response leaves the clear impression that current architecture precludes Saturday access at the Byron Rumford Station, when in reality the possibly problematic "access" is through an alarmed door. I contacted Postal Service counsel to request a revised, clarified response, but the Postal Service does not believe that it should need to respond to follow-up interrogatories concerning this response. Nonetheless, today I am serving a follow-up interrogatory, DFC/USPS-97, and I reserve the right to move to compel a responsive answer to DFC/USPS-T39-36(d).

The dispute over the accuracy of the answer to DFC/USPS-T39-36(d) underscores the need for a simple, straight answer to DFC/USPS-T39-36(b), the key, underlying question: Why do these three offices have no Saturday box service? The Postal Service could provide Saturday box service at the Byron Rumford Station and certainly in Babb, Montana, and the Postal Service should explain why it does not.

DFC/USPS-T39-71

Interrogatory DFC/USPS-T39-71 asks witness Mayo to identify the alternatives to certified mail plus return receipt that the Commission should consider when evaluating the Postal Service's proposed fees for certified mail and return receipt under Criterion 5. In response, witness Mayo explains that she has not developed the "requested list of alternatives" because her fee proposals for certified mail and return receipt "were primarily cost driven." She then provides citations to testimony from Docket Nos. MC96-3 and R97-1 and a library reference from Docket No. MC96-3 that is stored at the Commission's archives. Witness Mayo's answer is non-responsive.

The record from previous dockets that witness Mayo cites has not been designated as evidence in this proceeding. Moreover, the deadline has passed to designate evidence from a prior docket, a process that, itself, imposes a significant burden because the moving party must serve the entire service list. Witness Mayo's tactic of merely citing the record from a previous docket, without explaining the information contained therein, is inappropriate.

The interrogatory itself is substantively relevant to pricing issues in this proceeding. The Postal Service proposes a 50-percent increase in the fee for certified mail, which would result in a cost coverage of 125 percent.⁵ In evaluating this substantial fee increase, the Commission must review the alternatives to certified mail. If few alternatives to certified mail exist, a cost coverage lower than 125 percent might be appropriate to soften the effect of this fee increase on the general public (Criterion 4). Witness Mayo also proposes a 20-percent fee increase for return receipt.⁶ Since 97.2 percent of all return receipts were attached to certified mail,⁷ the Commission must consider the alternatives that exist to these combined services when evaluating fees and cost coverages for return receipt. Witness Mayo is the pricing witness, and she should provide the alternatives to certified mail plus return receipt.

Despite not already having developed a list of alternatives, witness Mayo has had little trouble offering suggested alternatives in her responses to previous interrogatories, opening the door to follow-up. See, e.g., DFC/USPS-T39-58 and DFC/USPS-T39-62. In addition, witness Mayo's failure to have developed a list of alternatives prior to the date on which I filed my interrogatory is not grounds for not responding to the question since the interrogatory does not request pre-existing lists.

DFC/USPS-T39-71 asks for *all* alternatives to certified mail plus return receipt that the Commission should consider, and witness Mayo should be directed to provide a response.

Respectfully submitted,

Dated: May 12, 2000



DOUGLAS F. CARLSON

⁵ USPS-T-39 at 40.

⁶ *Id.* at 132.

⁷ *Id.* at 133.

TEXT OF ORIGINAL INTERROGATORIES

DFC/USPS-T39-36. Please refer to your response to DFC/USPS-T39-10.

- b. To enhance the record on this subject via examples, please explain why customers may not receive mail and access their post-office boxes on Saturdays at the Byron Rumford Station in Oakland, California, the post office in Babb, Montana, and the station located in the Port Authority Bus Terminal in New York, New York.
- d. Please confirm that access to the box section on Saturdays at the Byron Rumford Station could not have been accommodated architecturally. If you do not confirm, please explain.

DFC/USPS-T39-71. Presently, a customer seeking to mail documents in a standard-size envelope that weighs one ounce via certified mail, return receipt requested, pays 33 cents in postage, \$1.40 for certified mail, and \$1.25 for the return receipt, for a total of \$2.98. Suppose that this customer wants every service element (e.g., proof of mailing) that certified mail plus return receipt provide. For the customer described in this interrogatory, please identify all alternative services that the Commission should consider when evaluating your proposed fees for certified mail and return receipt under Criterion 5. For each service, please provide the total cost to the customer for using that service (including postage and fees, if the service is a Postal Service–provided service). In addition, for each service, please explain the service elements that the alternative service provides that certified mail plus return receipt do not provide, and please explain the service elements that certified mail plus return receipt provide that the alternative services do not provide.

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

May 12, 2000
Emeryville, California