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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/78

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

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER'S RULING DENYING
DOUGLAS F. CARLSON'S MAY 16th MOTION

(Issued June 9, 2000)

On May 16, 2000, Douglas F. Carlson filed a motion to compel the Postal Service to respond to DFC/USPS-93. Mr. Carlson, based upon a review of a Service Standards CD-ROM, inquires whether database errors account for the difference in the service commitments applicable to First-Class Mail originating in Bangor, Maine and destinating in various locations in New Jersey.¹ In support of his motion, Mr. Carlson argues that service standards affect value of service and therefore are relevant.² Noting other database errors discovered in this proceeding, Mr. Carlson indicates that he is conducting an analysis of First-Class and Priority Mail service standards, including the Postal Service's representations to customers.³ In addition, he contends that "[i]f the information on the CD-ROM is inaccurate, . . . the Commission will have yet another example of the Postal Service providing misleading information to mailers on service standards."⁴

¹ Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatory DFC/USPS-93, May 16, 2000 (Motion).

² *Id.* at 1.

³ *Id.* at 1-2.

⁴ *Id.* at 2.

The Postal Service opposes the motion on several grounds.⁵ As a practical matter, the Postal Service concedes that Mr. Carlson has established the foundation for his argument that, due to database errors, some customers may choose between First-Class and Priority Mail based on erroneous information. Therefore, according to the Postal Service, whether the origin-destination pairs he cites are also erroneous is superfluous to that argument.⁶ Expanding on its objection, the Postal Service argues, *inter alia*, that the information sought is immaterial, irrelevant, and cumulative.⁷

DFC/USPS-93 provides examples of what, according to Mr. Carlson, appear to be database errors. He further indicates that he is “simply attempting to determine whether the data are accurate or erroneous.”⁸ To be sure, as Mr. Carlson notes, service standards are relevant.⁹ But the information requested – whether the data are accurate or erroneous – does not affect service standards per se. Thus, for example, if the data are erroneous, it may mean, to the extent that the CD-ROM is used, that some mailers may be misinformed. While such a result would be regrettable, the service

⁵ Opposition of the United States Postal Service to Motion to Compel Response to Interrogatory DFC/USPS-93, June 2, 2000 (Opposition). See also Objection of the United States Postal Service to Carlson Interrogatory DFC/USPS-93, May 12, 2000. The Postal Service filed a motion requesting acceptance of its Opposition out-of-time. Motion of the United States Postal Service for Late Acceptance of Its Opposition to the Motion to Compel a Response to Interrogatory DFC/USPS-93, June 2, 2000. Mr. Carlson opposes the motion, arguing, *inter alia*, that good cause was not shown. Douglas F. Carlson Opposition to Motion of the United States Postal Service for Late Acceptance of Its Opposition to the Motion to Compel a Response to Interrogatory DFC/USPS-93, June 7 2000. In addition, Mr. Carlson notes that the Postal Service opposed as untimely an earlier motion he had submitted. This discussion serves as a useful reminder to the Postal Service that such an objection is best employed sparingly. Under the circumstances, even though Mr. Carlson’s apparent frustration is understandable, denying the motion for being untimely would serve no legitimate end and would ignore the significant discovery burden borne by the Postal Service due to its unique role in this proceeding. The Postal Service’s motion is, therefore, granted.

⁶ Opposition at 1-2.

⁷ *Id.* at 2.

⁸ Motion at 2; footnote omitted.

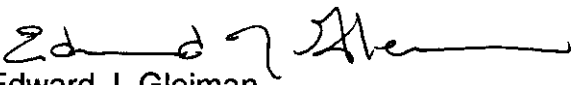
⁹ In that regard, the record contains information concerning service standards and performance data that affect value of service considerations. See, e.g., DFC/USPS-53 (re superior Priority Mail service between certain ZIP Code pairs), DFC/USPS-54 (re FY 99 delivery performance per EXFXC and PETE), VP-CW/USPS-T32-7 (re service performance), and UPS/USPS-T34-18-22 (re ODIS, PETE, and EXFC data concerning, as applicable, Priority and First-Class Mail).

standards themselves would be unaffected.¹⁰ If, however, the data are accurate, they simply represent, however anomalous they may appear, the current service standards. This is not the proceeding to litigate whether the delivery standard from ZIP Code 046 (Bangor, Maine) to, for example, 071 (Newark, New Jersey) ought to be two or three days. In sum, whether the particular data sought are accurate or erroneous will not materially affect the outcome of this proceeding.

In addition, as noted above, the Postal Service concedes that Mr. Carlson has established the foundation for his argument, which, according to the Postal Service, makes the information sought largely superfluous. Therefore, the Postal Service concludes, among other things, that the interrogatory is cumulative. This position has merit.¹¹ Accordingly, for the foregoing reasons, the motion is denied.

RULING

1. Douglas F. Carlson's motion to compel, filed May 16, 2000 and identified in footnote 1 above, is denied, subject to the proviso in footnote 11.
2. The Motion of the United States Postal Service for Late Acceptance of Its Opposition to the Motion to Compel a Response to Interrogatory DFC/USPS-93, June 2, 2000, is granted.


Edward J. Gleiman
Presiding Officer

¹⁰ This is not to diminish the importance of the underlying concern. Certainly, mailers should be entitled to rely on mailing advice received from the Postal Service. To the extent they cannot, customer confidence is eroded.

¹¹ This ruling accepts the Postal Service's apparent concession that the foundation for the argument has been established. However, the Postal Service's subsequent statement that the data is immaterial "if -- as Mr. Carlson argues -- it has already been established that a number of errors exist" renders its concession somewhat ambiguous. Opposition at 2; emphasis added. To preclude any unintended result, the Postal Service shall be foreclosed from arguing to the contrary, unless, within seven days of this ruling, it responds to DFC/USPS-93.