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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/79

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 CONCERNING
DOUGLAS F. CARLSON'S JUNE 2nd MOTION

(Issued June 13, 2000)

On June 2, 2000, Douglas F. Carlson filed a motion to compel the Postal Service to respond to DFC/USPS-T34-24-26.¹ In its opposition to the motion, the Postal Service, although reiterating its objection, agreed to answer DFC/USPS-T34-25 and 26.² Thus, only DFC/USPS-T34-24 remains at issue. The motion is granted.

DFC/USPS-T34-24 is a multi-part question requesting confirmation: that First-Class and Priority Mail service standards are identical between certain pairs of cities, *e.g.*, from San Francisco to Los Angeles; that IBM and NCR retail terminals indicate that Priority Mail provides faster service; and that, as a result, mailers, who would otherwise use First-Class Mail, may use Priority Mail based on the representation of faster service. The Postal Service objected to this interrogatory, arguing, essentially,

¹ Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatories DFC/USPS-T34-24-26, June 2, 2000 (Motion). In his motion, Mr. Carlson indicated that the Postal Service need not respond to DFC/USPS-T34-24(b), (d), and (f) concerning NCR retail terminals since the information had previously been provided. Motion at 5.

² Opposition of United States Postal Service to Carlson Motion to Compel Responses to Interrogatories DFC/USPS-T34-24-26, June 9, 2000 (Opposition). The Postal Service's unilateral decision to respond is commendable, serving, as it notes, to preserve resources. In light of that agreement, Mr. Carlson's motion concerning DFC/USPS-T34-25 and 26 is dismissed as moot.

that it was untimely because it could have been posed as follow-up at the hearing or asked earlier in the proceeding.³

Mr. Carlson argues that the Postal Service's timeliness argument is fallacious, noting, among other things, that he could not have asked a follow-up, even assuming he had attended the hearing held April 18, 2000, since the Postal Service did not answer the question until April 26, 2000.⁴ Further, Mr. Carlson argues that nothing in the Commission's Rules of Practice bars follow-up on the theory it should have been asked sooner.⁵

The Postal Service's arguments are not persuasive. Mr. Carlson effectively rebuts the Postal Service's arguments that the interrogatory is untimely. Under the circumstances, his failure to appear at the hearing does not preclude limited follow-up. Moreover, the claim that the interrogatory should have been filed sooner is, in this instance, too subjective to be meaningful. This is not to suggest either that the follow-up process is unfettered or that the timing of a request is never a consideration. On balance, however, the Postal Service has not demonstrated that DFC/USPS-T34-24 is untimely. Accordingly, the motion is granted.

³ Objection of United States Postal Service to Carlson Interrogatories DFC/USPS-24-27, May 22, 2000. On May 23, 2000, the Postal Service filed a notice, plus a revised version of its objection, correcting the reference to the interrogatories to DFC/USPS-T34-24-27. Objection of United States Postal Service to Carlson Interrogatories DFC/USPS-T34-24-27, May 23, 2000 (Objection). The Postal Service's objection encompassed DFC/USPS-T34-24-27. It claims that the interrogatories are "in many ways inappropriate and untimely." Objection at 1. The Postal Service does not elaborate on what it meant by the term inappropriate. Moreover, while it argues the relevance of certain interrogatories, the Postal Service objects to DFC/USPS-T34-24 based solely on the grounds that it is untimely.

⁴ Motion at 3-4.

⁵ *Id.* at 4-5.

RULING

The motion of Douglas F. Carlson, filed June 2, 2000 and identified in footnote 1 above, is:

- (a) granted as to DFC/USPS-T34-24, provided however that the Postal Service need not answer subparts (b), (d), and (f) concerning NCR retail terminals, and
- (b) dismissed as moot with respect to DFC/USPS-T34-25 and 26.


Edward J. Gleiman
Presiding Officer