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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/91

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 ON CARLSON MOTION
TO COMPEL MORE RESPONSIVE ANSWERS

(Issued July 18, 2000)

This ruling addresses Mr. Carlson's motion for more responsive answers to DFC/USPS-T39-36(b) and DFC/USPS-T39-71. Question 36(b) concerns Saturday access to certain post office boxes. Question 71 concerns alternatives to certified, return receipt First-Class Mail. Douglas F. Carlson Motion to Compel United States Postal Service to Provide Responsive Answers to Interrogatories DFC/USPS-T39-36(b) and 71, (Carlson Motion), filed May 16, 2000. The Postal Service has provided a compelled institutional response to question 36(b) on the terms set out in P.O. Ruling No. R2000-1/33. Witness Mayo has answered question 71.¹

Discussion. Question 36(b) asks witness Mayo to explain why customers may not receive mail and access their post office boxes on Saturdays at the Byron Rumford station in Oakland, CA; at the Babb, MT post office; and at the Port Authority bus terminal. P.O. Ruling No. R2000-1/33 directed the Service to determine whether these facilities had any pre-existing written policy, statement or other guidance addressing the lack of Saturday access, and to provide its findings. The Service, in compliance with

¹ See also Revised 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)) [Erratum] (May 8, 2000).

this ruling, filed a response stating that there is no such pre-existing documentation. Opposition of the United States Postal Service to Carlson Motion to Compel Responses to DFC/USPS-38, 42, and 45, and DFC/USPS-T39-36(b)-(d), April 3, 2000, at 1-2, citing previous responses.

Notwithstanding this response, Mr. Carlson says the Service may know why these offices do not deliver box mail on Saturdays, and contends that it should be required to respond accordingly. I consider this a request for reconsideration of the ruling, which limited the extent of the response to the results of an inquiry into pre-existing documentation. This decision was based on a considered assessment of the relevance, materiality and burden associated with this detailed inquiry into local operations. I have reviewed the answer the Service has provided pursuant to P.O. Ruling No. R2000/33, and find that it meets the terms set out therein. No further response will be required.

Question 71. This question refers to the current postage and fees associated with mailing documents via certified First-Class Mail, with return receipt service. It then asks, in terms of a customer seeking the same service elements, for all alternative services the Commission should consider when evaluating the Service's proposed fees for certified mail and return receipt under criterion 5. In connection with each service, the question also asks for an explanation of the service elements the alternative provides that are not available with certified mail/return receipt service, and vice versa.

In her response, witness Mayo states her assumption that this question follows up on DFC/USPS-T39-62, which asked about alternatives to certified mail for a customer who wishes to send a letter via First-Class Mail. She also expresses uncertainty regarding the alternatives referred to, but proceeds to identify registered mail and certificates of mailing as possibilities and, for Standard Mail matter mailed at the First-Class rate, she also identifies insurance.

Witness Mayo then states that she had not developed the requested list of alternatives, other than what is in her testimony. With respect to criterion 5's application to certified mail and return receipt service, she provides specific citations to her testimony. The response also notes that the witness has provided alternatives to certified mail in USPS-LR-SSR-110 of Docket No. MC96-3; in Docket No. MC96-3 testimony (USPS-T-8 at pages 66-67 and 72-73), and in Docket No. R97-1 testimony (USPS-T-39 at page 31).

In pursuing this matter, Mr. Carlson notes that the material from previous dockets that witness Mayo cites has not been designated as evidence in this proceeding. He asserts that citing the record from a previous docket, without explaining the information it contains, is inappropriate. Moreover, Mr. Carlson says his inquiry is substantively relevant to pricing issues in this proceeding, noting the fee increases proposed for certified and return receipt. Carlson Motion at 4. One aspect of practice at the Commission that has enabled proceedings to run efficiently is that participants have been willing to attempt to provide full and complete responses, even when the precise nature of what is being requested is not clear. In this situation, for example, it appears that witness Mayo has attempted to determine what Mr. Carlson was referring to when he mentioned unspecified "alternatives" and has provided an answer that addresses the question on those terms. She also, as Mr. Carlson notes, has referred to a library reference and testimony from other proceedings.

I appreciate that when a witness makes extensive references to other testimony or materials in an interrogatory answer, it may be more difficult for others to grasp the full extent of the response. Often, the referenced documents may simply be cumulative, adding more weight to a response that can stand on its own. At other times, as Mr. Carlson suggests, this technique may be a tactic that impedes a reviewer's ability to obtain a ready and full response.

In this situation, a plain reading of the witness's response is that a genuine attempt was made to provide a responsive answer to a question that called for some

degree of interpretation in terms of what was being requested. That being the case, I will not require a further response from the witness at this point, as I find that the initial part of the answer can be deemed as responsive to the question. The concern Mr. Carlson has raised about the use of references to other material is a legitimate one, but does not warrant further relief in these circumstances.

RULING

The Douglas F. Carlson Motion to Compel United States Postal Service to Provide Responsive Answers to Interrogatories DFC/USPS-T39-36(b) and 71, filed May 16, 2000, is denied.


Edward J. Gleiman
Presiding Officer