

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

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POSTAL RATE AND FEE CHANGES, 2000

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

DOUGLAS F. CARLSON
MOTION FOR LATE ACCEPTANCE OF INTERROGATORY DFC/USPS-118

July 29, 2000

POR No. R2000-1/4 established a deadline of March 23, 2000, for participants to file discovery concerning the Postal Service's direct case. I move for late acceptance of interrogatory DFC/USPS-118, which I am serving on July 29, 2000. This interrogatory asks the Postal Service to confirm the existence of problems with delivery of certified mail that the *New York Times* described in an article dated July 28, 2000. The interrogatory also asks for further information concerning these problems. Delivery problems with certified mail directly affect the value of service of both certified mail and return receipt, since 82 percent of certified mail has a return receipt attached.¹

These interrogatories relate to a line of discovery conducted earlier in this case. On January 24, 2000, I filed interrogatories DFC/USPS-T39-3 and 4. Interrogatory DFC/USPS-T39-3 asked witness Mayo to provide copies of any "studies, reviews, or investigations" that the Postal Service has conducted since 1997 on the quality of return-receipt service or delivery problems with return-receipt service. In response, witness Mayo produced a copy of a portion of an Inspection Service audit describing widespread problems in the Northeast Area. The problems concerned the absence of appropriate controls over certified and return-receipt mail. Interrogatory DFC/USPS-T39-4 asked for the steps that the Postal Service has taken to resolve problems with return-receipt service and an assessment of the success of steps the Postal Service has taken to resolve the problems. On March 23, 2000, David Popkin filed DBP/USPS-102. Part (c) asked for studies similar to the audit in the Northeast Area concerning processing of registered mail, certified mail, and return-receipt mail. In a response filed on April 6, 2000, witness Mayo indicated that she was unaware of any other studies.

¹ USPS-T-39 at 41.

The new information provided in the *New York Times* article explains yet another type of problem — delivery delays — that is causing service quality for certified mail and, by extension, return receipt to deteriorate. Under Rule 26(f), witness Mayo's affirmative duty to update these responses expired when they were accepted into evidence as written cross-examination on April 28, 2000. Rule 26(f), however, signals the importance of ensuring an accurate record for the Commission's consideration of the Postal Service's request to change rates and fees. In preparing to urge the Commission on brief to reject the Postal Service's proposed fee increases for certified mail and return receipt, I intend to argue that delivery problems — both the lack of control over certified mail revealed in the audit report and the delivery delays described in the newspaper article — have substantially lowered the value of these services. Although the Postal Service no longer has an affirmative obligation to update these prior interrogatory responses, participants have a right to update the information that the Postal Service provided earlier in the case when new information becomes available. If the *New York Times* has accurately described a new problem with certified mail and return receipt, the Commission should consider this information in recommending fees.

Therefore, I move for late acceptance of interrogatory DFC/USPS-118.

Respectfully submitted,

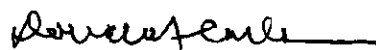


DOUGLAS F. CARLSON

Dated: July 29, 2000

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

July 29, 2000
Emeryville, California