

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

OPPOSITION OF THE UNITED STATES POSTAL SERVICE
TO DOUGLAS CARLSON MOTION TO COMPEL
RESPONSE TO DFC/USPS-GAN-31
(November 9, 2001)

The United States Postal Service hereby files its opposition to the November 2, 2001, motion of Douglas Carlson seeking to compel a response to the following interrogatory filed on October 25, 2001: DFC/USPS-GAN-31.

The interrogatory seeks information concerning whether, in the aftermath of the events of September 11, 2001, there are currently any emergency transportation restrictions imposed by the Federal Aviation Administration which would limit the size and weight of flats, small parcels and rolls that the Postal Service is permitted to tender to commercial passenger airlines that transport mail.

The issues before the Commission in this proceeding relate to whether the service standard changes described in the July 30, 2001, Declaration of Charles Gannon were implemented in a manner consistent with § 3661 and whether, under § 3662, the current standards result in the provision of service consistent with the policies of the Act. It is irrelevant to a determination of those issues whether there are currently in effect any temporary emergency measures related to the threat of terrorism which has emerged since the implementation of the service standard changes at issue.

At pages 2-3 of his motion, Complainant attempts to justify his request by arguing that he might later urge the Commission to recommend restoration of some two-day service standards by returning to the use of air transportation, but must first know

whether it would be possible and economical.

With all due respect to what Complainant might want to propose or urge the Commission to recommend, the fact is that the imposition and lifting of any such restrictions by the FAA is wholly outside of the control of the Postal Service or the Commission. The service standard changes at issue in this proceeding did not differentiate among First-Class Mail pieces on the basis of weight and shape, even if such factors should be relevant to temporary emergency restrictions the FAA may impose from time to time. The issues raised by the complaint in this proceeding are susceptible to resolution, regardless of whether there are today or will be tomorrow any such FAA-imposed restrictions.

Complainant expresses concern that the Postal Service might “possibly . . . [rebut his] later recommendation in this case with a surprise revelation that some First-Class Mail is not eligible for transportation on commercial airlines.”

The short-term and long-term availability of commercial air transportation for all types and sizes of mail is a question to which there is presently no concrete answer. Lest we all lose perspective, what the Postal Service may be doing presently or in the future, in response to the events of September 11th, will be driven by factors other than the subject matter of this litigation or, least of all, Complainant’s litigation strategy. This case is squarely about the propriety of the service standard changes implemented last year and earlier this year, irrespective of any temporary emergency measures that could have been implemented after September 11th.

In response to recent events, the Postal Service is currently irradiating limited quantities of mail and is making investments in technology to expand its capacity to do so. Complainant might as well argue that Docket No. C2001-3 be expanded to explore the irradiation program. After all, he might ultimately want to make recommendations regarding irradiation and service standards. And besides, he might want to avoid a

“surprise revelation” that the service standard achievement for some First-Class Mail is being affected by the need for irradiation. Taking Complainant’s argument to its logical conclusion, this docket serves as a forum to explore anything that currently may be happening in mail processing and transportation. Complainant’s interest in potential responses to terrorism is not an illegitimate one. However, it is irrelevant to the complaint he has filed in this proceeding.

Complainant is free to propose “un-doing” the service standard changes that were completed in May, 2001. Those changes are the focus of this docket, not whatever the Postal Service may be doing on an emergency or temporary basis in connection with subsequent terrorist activity. Accordingly, Complainant’s attempts to inquire about matters irrelevant to the issues raised by his Complaint should be rejected by the Commission.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon all parties of record in this proceeding.

Michael T. Tidwell

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