

**BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001**

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POSTAL RATE DIVISION  
OFFICE OF THE SECRETARY

**Complaint on First-Class Mail  
Service Standards**

**Docket No. C2001-3**

**DOUGLAS F. CARLSON  
MOTION TO REQUIRE THE UNITED STATES POSTAL SERVICE  
TO PROVIDE A RESPONSE FROM DECLARANT CHARLES M. GANNON  
TO INTERROGATORY DFC/USPS-GAN-43**

**December 26, 2001**

On October 25, 2001, I filed interrogatory DFC/USPS-GAN-3 to Postal Service declarant Charles M. Gannon. This interrogatory read:

- a. Please discuss the ways in which the needs of customers affected any of the decisions that you made that led to the implementation in 2000 and 2001 of changes in First-Class Mail service standards from two days to three days.
- b. If you considered the needs of customers, please provide all documents that reflect your consideration of the needs of customers.
- c. If you considered the needs of customers, please specifically identify and describe all data and other indicators that reflect the needs of customers or that serve as proxies for measuring the needs of customers.

On November 20, 2001, the Postal Service filed an institutional response to this interrogatory redirected from Mr. Gannon.<sup>1</sup>

The institutional response was rather general. Therefore, on November 30, 2001, I filed a follow-up interrogatory, once again directed to Mr. Gannon. In DFC/USPS-GAN-43, I wrote:

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<sup>1</sup> Responses of the United States Postal Service to Interrogatories of Douglas Carlson Redirected From Charles Gannon (DFC/USPS-3, 7-13, 20, 22, 23, 25-28, and 31), filed November 20, 2001.

Please discuss the ways in which the needs of customers for two-day First-Class Mail delivery affected any of your decisions on whether to change First-Class Mail service standards from two days to three days in 2000 and 2001.

This follow-up interrogatory refined the earlier interrogatory to request precisely the information that I need to know to develop my case. Specifically, to which extent, if any, did Mr. Gannon, as national program manager for “USPS Service Standards,”<sup>2</sup> consider the needs of customers for two-day delivery before he changed service standards to three days? Consideration of the needs of customers might have involved examination of volume data or the type of mail — e.g., remittance mail — that travels between three-digit ZIP Code pairs.

My complaint alleges that, as a result of some of the changes in First-Class Mail service standards implemented in 2000 and 2001, the Postal Service is not providing adequate service, as 39 U.S.C. § 3661(a) requires. See Douglas F. Carlson Complaint on First-Class Mail Service Standards at ¶¶ 20, 22–32, filed June 19, 2001. I face a substantial burden in proving this allegation because the Postal Service controls most of the information concerning the needs of customers. Information provided thus far suggests that the Postal Service did not specifically consider customers’ needs for two-day versus three-day service before changing the service standards. Instead, the Postal Service sought to advance its vague and questionable goal of providing “more consistent” service by slowing mail delivery by one day.

The ways, if any, in which Mr. Gannon considered customers’ need for two-day mail delivery instead of three-day delivery are highly probative of the issue of adequacy of service. To the extent that Mr. Gannon considered customers’ needs, his deliberations presumably would inform the Commission and me of some of the needs of customers. This information would allow the Commission and me to form legal conclusions about the adequacy of service. To the extent that Mr. Gannon did not consider the types of needs of customers

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<sup>2</sup> Declaration of Charles M. Gannon at 1, ¶ 2, filed July 30, 2001

that the Commission and I may determine to be important inputs into determining adequacy of service, the absence of this consideration will enlighten our review by showing the absence of consideration by the Postal Service of important information. Since Mr. Gannon led the project to change service standards, his actions and considerations are an appropriate avenue of inquiry.

The Postal Service likely recognizes the pivotal nature of my inquiry into the Postal Service's consideration of the needs of customers. In fact, I suspect that the Postal Service attempted to insulate Mr. Gannon from cross-examination by redirecting the original interrogatory, DFC/USPS-GAN-3, to the Postal Service for a response. Seeking to prevent the Postal Service from shielding Mr. Gannon, I filed a refined interrogatory to Mr. Gannon. The Postal Service once again redirected this interrogatory to the Postal Service. The response simply referred back to the initial response to DFC/USPS-GAN-3.

If the provisions of the Administrative Procedure Act govern this hearing, I am entitled to conduct "such cross-examination as may be required for a full and true disclosure of the facts." 5 U.S.C. §§ 556(d). The presiding officer appeared to accept this argument in ruling in POR C2001-3/1 that I would be permitted to direct interrogatories to Mr. Gannon.<sup>3</sup> The presiding officer noted, however, that the Postal Service, "in its discretion, may re-direct interrogatories to elicit the most appropriate response." *Id.* Unfortunately, in this instance, the Postal Service has abused its discretion. I am seeking to discover the ways, if any, in which the national program manager for Service Standards, who had a pivotal, hands-on role in changing service standards from two days to three days, considered the needs of postal customers before changing service standards. A response from the Postal Service as an institution is not the appropriate source for a response to a question inquiring into Mr. Gannon's own activities and deliberations. Consistent with the APA, I believe that I am entitled to cross-

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<sup>3</sup> POR C2001-3/1 at 3, filed October 10, 2001.

examine Mr. Gannon directly in order to extract a full and true disclosure of the facts.

For the reasons explained herein, I move for a ruling directing the Postal Service to provide a response from Mr. Gannon to DFC/USPS-GAN-43.

Respectfully submitted,

Dated: December 26, 2001

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DOUGLAS F. CARLSON

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon the required parties in accordance with section 12 of the *Rules of Practice*.

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DOUGLAS F. CARLSON

December 26, 2001  
Santa Cruz, California

## PRC-DOCKETS

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**From:** Doug Carlson [dcarlson@cats.ucsc.edu]  
**Sent:** Wednesday, December 26, 2001 7:15 PM  
**To:** prc-dockets@prc.gov  
**Subject:** CORRECTION



**Motion - Redirection-**

**Correcte...** I discovered a slight error in the motion that I e-mailed earlier today. Please use the document that I have attached instead.

Thanks!

Doug