

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2001

Docket No. R2001-1

**OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO OFFICE OF
THE CONSUMER ADVOCATE MOTION TO COMPEL PRODUCTION OF
INFORMATION REQUESTED IN INTERROGATORY OCA/USPS-306(b) and
(c) AND A RESPONSIVE ANSWER TO 306(d)
(January 3, 2002)**

The United States Postal Service hereby opposes the Office of the Consumer Advocate Motion to Compel Production of Information Requested in Interrogatory OCA/USPS-306(b) and (c) and a Responsive Answer to 306(d). The OCA has not sufficiently demonstrated the relevance of the inquiries made in 306(b) and (c), and it has failed to show that the response to 306(d) was inadequate in any way.

OCA/USPS-306(b) and (c)

OCA/USPS-306 states:

The following refers to the USPS response to UPS/USPS-T11-7, dated November 23, 2001.

- (a) Are the call centers referenced in the USPS response referring to the "1-800-ASK-USPS" centers? If not, please explain the difference between the centers.
- (b) If the "1-800-ASK-USPS" phones are answered by contractors, how is the performance of each phone operator evaluated? Also, what is the basis upon which each phone operator is compensated (e.g., Volume of calls, types of call taken, etc.)?
- (c) If the "1-800-ASK-USPS" service is contracted out, how is the contractor's performance evaluated?

- (d) If the "1-800-ASK-USPS" service is contracted out, what is the basis for the contractor's compensation?

The Postal Service objected to answering subparts (b) and (c) on the basis of relevance. In an attempt to justify its discovery requests, the OCA constructs a step-by-step argument, which it apparently believes, leads to a conclusion of relevance. Unfortunately, however, the steps do not logically follow from one another and some rely on nothing more than rank speculation. The OCA's argument goes as follows:

1. The OCA asked earlier questions about the "policies and practices of the Postal Service relating to" the ASK-USPS representatives.
2. These earlier questions were prompted by OCA wanting to see if issues raised by the Commission about consumers having insufficient information to make informed choices among Priority, First-Class and other mail services had been addressed by the Postal Service.
3. Declarations prepared for inclusion with an OCA Motion to Compel responses to those earlier questions "uncovered indications that the Postal Service continues to withhold information needed by consumers to make informed choices between Priority and First-Class Mail."
4. It is thus relevant "to ask whether the performance evaluation or compensation is keyed to improper conduct or to success in 'steering' customers to premium services."

With regard to point number 1, a fair reading of the earlier OCA interrogatories shows that they are not questions about Postal Service "policies and practices." Rather, they are a series of questions based upon a few conversations for which a factual foundation has not been adequately established. Some of those questions clearly are entirely unrelated to any policies or practices, but instead ask, in derogatory terms, about a specific

statement attributed to a specific ASK-USPS representative. For example, OCA/USPS-231(d) provides: "Please confirm that the statement 'First Class can take up to 30 days to be delivered' is a misleading statement apparently made to pressure a potential customer to choose Priority Mail over First Class."

Regarding point number 2, the Postal Service has demonstrated in its Opposition to the OCA Motion to Compel responses to those earlier interrogatories, filed on December 26, 2001, that at least one of the bases for the Commission concern that consumers did not have adequate information has turned out to no longer be the case. As the Postal Service pointed out, Priority Mail has a higher delivery standard than First-Class Mail in the majority of ZIP Code pairs in the network. See Postal Service Opposition, at 7-8.

Concerning point number 3, the declarations prepared for inclusion with the earlier OCA Motion to Compel and appended again to this one most certainly did not "uncover" any "indications" that the Postal Service "continues to withhold information" concerning Priority and First-Class Mail service. As discussed in full in the Postal Service's Opposition to the earlier OCA Motion to Compel, the declarations fail to adequately establish the required factual foundation and, in fact, raise more questions than they answer.

From these three disputed points, the OCA then makes an amazing leap of logic, concluding (point number 4) that performance evaluations and compensation of the ASK-USPS contractor and operators are relevant because they might be "keyed to improper conduct or to success in 'steering' customers to premium services." Suffice it to say that it is highly unlikely that any ASK-USPS

employee goes to work every day thinking he or she is going to engage in improper conduct or is going to deliberately mislead any and all callers. On the other hand, there really is nothing wrong with “steering” someone to a premium service. After all, a premium service, by its very terms, offers something more.

The OCA also relies on Presiding Officer’s Ruling No. R2001-1/26, issued December 20, 2001, to establish the relevance of its latest questions. That Ruling concerned an OIG Report dealing with delivery confirmation scanning procedures at five facilities. The Presiding Officer stated at page 5 of the Ruling:

Value of service is one of the factors to consider in setting rates. An ongoing problem, or even the perception of a problem, that can be associated with a service can be related to the value of service factor. *The problems revealed at a limited number of facilities can be potentially indicative of problems occurring throughout the system.*

Here, however, the situation is quite different. No “problems” have been revealed, the OCA’s declarations notwithstanding. The OCA has assumed all sorts of things and interpreted various statements, which are subject to a variety of interpretations, in certain ways.¹ As the Postal Service has indicated in its prior pleading, the OCA’s interpretations and conclusions concerning the various statements should be included in OCA testimony that is subject to full written and oral examination, before they can be used as pretext for either the previous or the instant OCA interrogatories.

The Postal Service should not be compelled to answer 306(b) and (c).

¹ A full discussion of why the OCA’s declarations do not establish an adequate factual foundation for its inquiries can be found in the Postal Service’s Opposition

OCA/USPS-306(d)

The OCA, at various points, calls the Postal Service's response to 306(d) "incomplete," "incomprehensible" and "deliberately meaningless." OCA Motion at 2 and 6. The Postal Service perhaps should be personally offended at these insinuations, but it is not. Interrogatory OCA/USPS-306(d) asked a general question concerning the basis for the contractor's compensation and got a general answer that it is based on operator skill level and demographic wage rates, as well as incentives and disincentives for target performance metrics. The fact that OCA evidently wants more detailed information, such as definitions of skill levels and target performance metrics, does not make the response inappropriate by any stretch of the imagination. If the OCA had further questions, it should have filed follow-up interrogatories within the appropriate time frame. The fact that it failed to do so does not justify an ill-supported motion for a more responsive answer.

The Postal Service should not be required to file a further response to 306(d).

to the OCA Motion to Compel, filed on December 26, 2001. That discussion

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

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



Susan M. Duchek

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applies equally here.