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U.S. POSTAL SERVICE  
COMMUNICATIONS SECTION

PRESIDING OFFICER'S  
RULING NO. R2001-1/37

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes

Docket No. R2001-1

PRESIDING OFFICER'S RULING DENYING MOTION  
TO COMPEL A RESPONSE TO DFC/USPS-20

(Issued January 17, 2002)

Douglas F. Carlson moves to compel a response to interrogatory DFC/USPS-20, which requests all documents and memoranda issued by the San Jose District concerning the removal of collection boxes or restricting access to them.<sup>1</sup> The Postal Service opposes, arguing that information concerning a single district is irrelevant.<sup>2</sup> The motion is denied.

*Background.* Mr. Carlson filed DFC/USPS-20 in tandem with DFC/USPS-19. They seek essentially the same information, documents relating to removal of collection boxes or restricting access to them, except that DFC/USPS-19 requests it on a national level (from Postal Service headquarters), whereas DFC/USPS-20 is limited to the San Jose District. Although the Postal Service responded to DFC/USPS-19, its response was that "[n]o such documents have been identified."<sup>3</sup> The Postal Service objected to DFC/USPS-20 claiming the information sought is "inherently irrelevant."<sup>4</sup>

Mr. Carlson advances two principal arguments in support of his motion. First, he notes that value of service is a statutory ratemaking criterion and that collection is

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<sup>1</sup> Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatory DFC/USPS-20, December 6, 2001 (Carlson Motion).

<sup>2</sup> Response of the United States Postal Service in Opposition to the Carlson Motion to Compel a Response to DFC/USPS-20, December 13, 2001 (Postal Service Opposition).

<sup>3</sup> Response of the United States Postal Service to Carlson Interrogatory DFC/USPS-19, November 29, 2001.

<sup>4</sup> Objection of the United States Postal Service to Carlson Interrogatory DFC/USPS-20, November 26, 2001, at 2.

specifically identified as a factor to be considered by the Commission. Carlson Motion at 2. He follows this observation with several statements attempting to correlate the number and location of collection boxes as well as collection times with the value of service for First-Class Mail. For example, he states “[t]he number and location of collection boxes generally is directly proportional to the value of service.” *Id.* From this he characterizes “interrogatories DFC/USPS-19 and 20 [as] designed to explore an action in at least one district that was reported in the newspaper: the removal of collection boxes.” *Ibid.*

Second, Mr. Carlson argues that DFC/USPS-20 satisfies the Commission’s rules because it is reasonably calculated to lead to admissible evidence. *Id.* at 3. Asserting that the purpose of the interrogatory “is to explore the scope of this initiative to curtail collection services[,]” Mr. Carlson suggests that documents concerning the San Jose District may reveal collection practices beyond that one district. *Ibid.*

Finally, as an afterthought, Mr. Carlson notes that a “better discovery approach” to determine practices at local offices might have been to request the Postal Service to produce relevant documents from district and area offices and to quantify collection boxes in service over time. *Ibid.* While suggesting reasons for his not doing so, Mr. Carlson states that he subsequently did request that information in DFC/USPS-21 and 22. *Id.* at 3-4. He further suggests that that these interrogatories provide an alternative to DFC/USPS-20. *Id.* at 4.

Although the Postal Service takes issue with Mr. Carlson’s assertions concerning value of service,<sup>5</sup> its central argument is that, in the context of this proceeding, the value of the collection network has meaning only on a national level. Thus, according

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<sup>5</sup> The Postal Service criticizes Mr. Carlson’s statements regarding value of service on two scores. First, it argues that he fails to appreciate that collection, as an intrinsic service feature, serves as a factor in allocating institutional costs between those subclasses for which it is available and those for which it is not. Postal Service Opposition at 1-2. Second, the Postal Service disputes Mr. Carlson’s statements concerning the correlation between collection boxes and value of service. Illustratively, the Postal Service cites its response to OCA/USPS-225, in which it contends that “the number of collection boxes is *not* necessarily directly proportional to value of service.” *Id.* at 2; emphasis in original. The Postal Service also addressed Mr. Carlson’s assertions concerning the location of collection boxes and later collection times. See *id.* at 2-3.

to the Postal Service, information about a single district is neither probative nor relevant. Postal Service Opposition at 3-4.

Moreover, the Postal Service asserts that Mr. Carlson's attempt to justify his filing of DFC/USPS-21 and 22 essentially concedes that DFC/USPS-20 is too narrowly drawn. *Id.* at 4. Focusing on DFC/USPS-22, which requests the total annual number of collection boxes for a three-year period, the Postal Service indicates that it provided substantially the same information in response to OCA/USPS-225. *Ibid.* Since national numbers are available, the Postal Service contends that information about one district is "unnecessary and irrelevant." *Ibid.*

*Discussion.* As Mr. Carlson notes, under the Commission's rules, discovery must be reasonably calculated to lead to admissible evidence. His attempts to satisfy that standard are unavailing.

DFC/USPS-19 and 20 seek essentially the same information concerning collection box trends, albeit with an important difference. DFC/USPS-19 seeks information on a national level (from Postal Service headquarters), whereas DFC/USPS-20 concerns only one district. Mr. Carlson claims that the purpose of DFC/USPS-20 "is to explore the scope of this initiative to curtail collection services." Carlson Motion at 3. While the relevance of the former appears manifest,<sup>6</sup> it is unclear how data concerning the collection practices in a single district could be used meaningfully in this proceeding. Mr. Carlson never successfully overcomes that burden. Instead, he speculates that the information about collection practices in the San Jose District may have implications beyond that district, e.g., "that the impetus for the changes may have come from the Pacific Area or a person at Postal Service headquarters." Carlson Motion at 3. This transparent attempt to bootstrap information, if any, about one district into potentially broader claims about its meaning is misplaced. A better approach, as Mr. Carlson concedes, would have been to pursue that

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<sup>6</sup> This is not to suggest, however, that the conclusions to be drawn from such data are preordained. For example, Mr. Carlson makes several general statements about the correlation between the number (and location) of collection boxes and value of service. See Carlson Motion at 2. The Postal Service criticizes these statements as unfounded. See Postal Service Opposition at 2-3. This Ruling takes no position on these contentions.

information directly.<sup>7</sup> Indeed, that is what his subsequent interrogatories, DFC/USPS-21 and 22, attempt to do.<sup>8</sup>

Although those interrogatories are not dispositive of this matter, they do bear on it. Mr. Carlson argues that DFC/USPS-22, requesting total annual number of collection boxes, “provides an alternate discovery approach to DFC/USPS-19 and 20.” Carlson Motion at 4. That information has been provided in response to OCA/USPS-225. See Postal Service Opposition at 4. Hence, national figures are available.

In sum, Mr. Carlson has not provided sufficient justification to require production of the information requested. Accordingly, the motion is denied.

#### RULING

Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatory DFC/USPS-20, filed December 6, 2001, is denied.

  
George Omas  
Presiding Officer

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<sup>7</sup> According to Mr. Carlson, this might be a “better discovery approach.” Carlson Motion at 3.

<sup>8</sup> For the record, the Postal Service objected to these interrogatories on December 17, 2001. See Objection of the United States Postal Service to Carlson Interrogatories DFC/USPS-21-22, December 17, 2001. No subsequent pleadings were submitted.