

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

DOUGLAS F. CARLSON
MOTION TO COMPEL THE UNITED STATES POSTAL SERVICE
TO PROVIDE A RESPONSIVE ANSWER TO INTERROGATORY DFC/USPS-9

October 15, 2002

On October 30, 2001, I filed interrogatory DFC/USPS-9. The full text of this interrogatory appears below:

DFC/USPS-9. This interrogatory applies to every three-digit ZIP Code pair:

- (1) In which at least one of the two three-digit ZIP Codes in the pair is located in the state of Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Montana, Wyoming, or Texas; **and**
- (2) Whose First-Class Mail service standard changed from two days to three days in 2000 or 2001.

For each three-digit ZIP Code pair to which this interrogatory applies, please provide:

- a. ODIS and EXFC data showing on-time delivery percentage, average days to delivery, and proportion of mail delivered in each number of days (e.g., 40 percent delivered in two days, 55 percent delivered in three days, and five percent delivered in more than three days) for the most-recent period for which data are available;
- b. ODIS and EXFC data showing on-time delivery percentage, average days to delivery, and proportion of mail delivered in each number of days (e.g., 40 percent delivered in two days, 55 percent delivered in three days, and five percent delivered in more than three days) for comparable periods in each of the two years prior to implementation of the change in service standards.

After a protracted discovery dispute, the Postal Service filed library references USPS-LR-11 and USPS-LR-12 on September 30, 2002. Given that the Postal Service has issued no statements to the contrary, the Postal Service apparently intends for these library references to provide the complete response to DFC/USPS-9 that the presiding officer required.¹

Unfortunately, the data contained in these library references omit one central element of my interrogatory. Neither library reference provides the “proportion of mail delivered in each number of days (e.g., 40 percent delivered in two days, 55 percent delivered in three days, and five percent delivered in more than three days)[.]” This data element may provide compelling evidence undermining the Postal Service’s central justification, in Docket No. N89-1 and now, for slowing the mail service of millions of customers. The Postal Service describes these reductions in service as improvements in service because the changes in service standards allegedly improve “consistency.”²

The definition of consistency is, itself, open to some interpretation and disagreement. Some customers may define service as consistent when delivery occurs *within* the number of days specified by the service standard at least a certain percentage of the time. For example, if mail from Seattle to San Francisco is delivered within three days 96 percent of the time, some customers may consider this service to be consistent. These customers may consider service to be consistent even if half of this mail (48 percent) is delivered in two days and half of this mail (48 percent) is delivered in three days — as long as at least 96 percent of the mail is delivered *within* three days. Other customers, if such customers exist, may define consistency as day-certain delivery. That is, in the previous example, these customers would consider the service to be decidedly inconsistent because the mail has an identical chance (48 percent) of being delivered in two days or three days. These customers may find 96 percent on-time delivery in exactly three days and no delivery in two days to be

¹ Presiding Officer’s Ruling No. C2001-3/28, filed July 29, 2002.

² Declaration of Charles M. Gannon at ¶ 18, filed July 30, 2001.

preferable to delivery 48 percent of the time in two days and 48 percent of the time in three days because three days constitutes day-certain delivery.

I question whether customers in the latter category exist because customers, in this era of high-speed communication, seemingly want to receive their mail as fast as possible. But some customers must prefer day-certain delivery, albeit slower delivery, if the Postal Service's justification for slowing First-Class Mail service to improve consistency has any validity.

Based on my observations since the changes in service standards were implemented in 2000 and 2001, I believe that a substantial chance exists that mail delivery is now slower — i.e., a larger number of days to delivery — *and* less consistent (under the latter definition). That is, even though the service standards were changed from two days to three days, not all mail has actually slowed by an extra day. Except for the actual numbers, my example with Seattle may be on point, with mail between Seattle and San Francisco sometimes arriving in two days and sometimes arriving in three days. As a result, a customer concerned about day-certain predictability may find less certainty after the changes in service standards than before. Assuming customers with these preferences exist — and they must if the Postal Service's decision to slow mail delivery to improve consistency (under the latter definition) has any validity — I am entitled to examine whether the service standards have led to greater or lesser day-certain delivery.

Data on the proportion of mail delivered in each number of days, which DFC/USPS-9 requests, is critical to this analysis. In fact, I cannot analyze consistency of day-certain delivery without these data. I cannot derive these data from examining or comparing the percent of mail delivered within the service standard — e.g., three days — because this statistic captures only the percentage of mail delivered in either two days or three days. The average days to delivery, while perhaps providing some clues, similarly does not provide enough information to analyze the proportion of mail delivered in each number of days. This information is relevant to a central issue in this case, and the presiding officer should direct the Postal Service to provide it.

My motion also can and should be granted on a procedural basis alone. The Postal Service did not object to my request for the proportion of mail delivered in each number of days. Now the Postal Service has provided no explanation for its failure to provide this information. The Postal Service's delay in providing this information has been highly prejudicial to my case. The presiding officer should decline to consider any arguments from the Postal Service on why the Postal Service should not be directed to provide this information.

For the reasons described herein, I request that the presiding officer direct the Postal Service, consistent with DFC/USPS-9, to supplement USPS-LR-11 and USPS-LR-12 to provide the proportion of mail delivered in each number of days.

Respectfully submitted,

Dated: October 15, 2002

DOUGLAS F. CARLSON

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

October 15, 2002

Santa Cruz, California