

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

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

RESPONSE OF THE UNITED STATES POSTAL SERVICE TO
PRESIDING OFFICER'S RULING NO. C2001-3/38
(November 12, 2003)

The United States Postal Service hereby submits the following in response to the request in Presiding Officer's Ruling No. C2001-3/38 for a copy of the Status Report referenced in the October 23, 2003, motion for reconsideration filed by the Complainant.

The Status Report referenced in Complainant's motion was prepared by undersigned counsel for filing on October 17, 2003. Unfortunately, long story short, counsel uploaded the report document for electronic filing, saved it on his Electronic Filing Activity page, hit the Submit command, and -- glancing at the Confirmation Page -- hastily mistook the Confirmation Page as confirmation that the document had been electronically filed.

Thinking that he had filed the report electronically with the Commission, counsel then mailed hard copies to the parties of record. This explains Complainant's receipt of the un-filed October 17th Status Report, as referenced in his October 23rd motion.

The un-filed October 17th Status Report read as follows:

The Postal Service hereby provides this report on the status of the most significant outstanding discovery matter in this proceeding.

Within a few days of Presiding Officer's Ruling No. C2001-3/36 (August 27, 2003), the Postal Service initiated a manual search and examination of all files in the Office of the Consumer Advocate at headquarters and at its more than 80 field consumer affairs offices, for the purpose of isolating any records that could arguably be said to fall within the scope of those requested in DFC/USPS-7. At the same time, the Postal Service began to employ a rudimentary electronic search function to retrieve potentially responsive records stored electronically in its Consumer Affairs Tracking System.

The parameters of the manual search were intentionally kept broad, so as to minimize the possibility that responsive records would be overlooked. A wide net also was cast in the use of broad search terms applied to the electronic search of records previously scanned into CATS. The overall result has been that tens of thousands of files have been searched and examined, and hundreds of potentially responsive files have been isolated for further review, some of which may be responsive to the discovery request. As expected, the process has been very laborious.

As of today, all but 17 files identified by these processes have been received and reviewed by the headquarters consumer affairs specialist who has borne the lion's share of the toil associated with this project. She anticipates receiving and being able to complete a review of these outstanding 17 files no later than Tuesday, October 21st.

To ensure the thoroughness of the search, a request for a final manual sweep of files was issued to the field earlier this month. As of this afternoon, almost all offices have reported the results of their efforts. It is anticipated that the remaining offices will respond no later than Monday, October 20th or the following day. The Postal Service anticipates that this redundant search will net little, if anything, but is making every effort to isolate any needles that may be in the proverbial haystack.

The Postal Service expects to disclose any responsive records, by producing a Library Reference containing copies from which names and street addresses (and other personally identifying information) are redacted. It is expected that any responsive records will be scanned or otherwise copied to some electronic format, to be determined by volume and other relevant logistical considerations. We expect this effort to be completed by Friday, October 24th.

As it turned out, the records in question could not be compiled and reviewed until too late in the afternoon of October 24th for the preparation and formal filing of a Library Reference that day. Counsel informally informed both the Complainant and the Commission staff of this development and the fact that counsel would be out of town through Wednesday, October 29th. To ensure that the delay in the formal filing of the documents did not further compromise Complainant's interests, counsel then mailed to Complainant a copy of the documents that were ultimately be filed as USPS Library Reference C2001-3/16 on October 30th.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel
Ratemaking

Michael T. Tidwell
Attorney

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:

Douglas F. Carlson
P.O. Box 1077
Santa Cruz CA 95061-1077

David B. Popkin
P.O. Box 528
Englewood NJ 07631-0528

Michael T. Tidwell

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260(1137
(202) 268-2998/ FAX: -5402
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michael.t.tidwell@usps.gov