

Before the
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Postal Rate and Fee Changes, 2005)

Docket No. R2005-1

OFFICE OF THE CONSUMER ADVOCATE
MOTION TO COMPEL RESPONSES
TO INTERROGATORIES OCA/USPS-74, 76-77, 100(a), AND 101
(June 15, 2005)

The Office of the Consumer Advocate (OCA) hereby moves to compel responses to interrogatories seeking data on city carrier street time workhours and delivered volumes.¹ The data requested are for 14 two-week periods in FYs 2002-2005. The data exist within at least one Postal Service database, which is accessible through the Delivery Operations Information System (DOIS). The data correspond in form and content to most of the data used by witness Bradley to estimate the volume variability of street-time costs.² These costs exceeded \$10 billion dollars in the base year. The Postal Service attributed less than \$4 billion of these costs to classes and services.³

The Postal Service argues that the burden of producing the requested data outweighs their potential utility. It also argues that some of the data are privileged and

¹ The Postal Service's objection to interrogatories OCA/USPS-74-77 was filed June 7, 2005. The Postal Service's objection to interrogatories OCA/USPS-100(a) and 101 was filed June 13, 2005. The text of the interrogatories at issue is attached. The Postal Service has agreed to respond to interrogatory OCA/USPS-75, which is therefore not a subject of this motion. There has been no response to the other interrogatories.

² Data relating to workhours and volumes used by witness Bradley for large parcels and accountables apparently do not exist for time periods other than late May and early June 2002. See attachment to response to interrogatory OCA/USPS-97, June 14, 2005 (no information on accountables; no distinction between large and small parcels).

³ See USPS-T-9 at A-1.

that redacting privileged information would itself be excessively burdensome.⁴ Further, the Postal Service declares, “The focus of this proceeding should be on the materials the Postal Service has already undertaken great efforts to provide, not on an alternative set of materials of questionable utility.”⁵ “Questionable utility”? The pot is calling the kettle black. The Postal Service’s “great efforts” have produced a three-year-old database covering a two-week period for 160 ZIP Codes of dubious representativeness. One might almost think that the Postal Service were criticizing the OCA for failing to draw a new (larger) sample of ZIP Codes, not just for seeking data that represent a real time series.⁶

The notion that rate-case participants must restrict their efforts to the parameters of the Postal Service’s direct case is disconcerting. Nothing in the Postal Reorganization Act or the Administrative Procedure Act imposes such a restriction. And the logical result of such a restriction is that if the Postal Service ignores an issue in its direct case, other participants must also. In the case of costing issues, this flies in the face of Supreme Court and Commission precedent.⁷ “[T]he [Postal Reorganization] Act

⁴ See Erratum to Objection of the United States Postal Service to Interrogatories of the OCA (OCA/USPS-74-76) (OCA/USPS-74-77 *ERRATUM*), June 7, 2005; Objection of the United States Postal Service to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-100(a), 101), June 13, 2005.

⁵ June 7 Objection at 4.

⁶ The need for data covering more than two weeks was established in Docket No. R97-1, where the Commission rejected an *eight*-week study of mail processing costs. See PRC Op. R2000-1, App. F at 46.

⁷ “[A]ll costs that in the judgment of the Rate Commission are the consequence of providing a particular class of service must be borne by that class. The statute . . . leaves it to the Commissioners, in the first instance, to decide which methods provide reasonable assurance that costs are the result of providing one class of service.

“ . . . [T]he Rate Commission remains open to the use of *any* method that reliably identifies causal relationships.” National Ass’n of Greeting Card Pub’rs v. United States Postal Service, 462 U.S. 810, 833-34 (1983) (emphasis added).

‘envisions consideration of *all* appropriate costing approaches.’⁸ Commission consideration of appropriate costing methodologies cannot be legitimately restricted by the Postal Service’s refusing to provide data to participants.

The OCA has requested data in the form of DOIS screen shots. This is the only form in which the Postal Service has acknowledged that the data exists.⁹ However, the OCA has informed the Postal Service that the same data in a less burdensome form would be acceptable.

The OCA has not requested new data concerning large parcels and accountables. To our knowledge, such data do not exist.¹⁰ It may be that a two-week special study will have to suffice for estimating attributable delivery costs of large parcels and accountables. However, this is no excuse for abandoning analysis of other delivery costs.

The OCA has requested two kinds of carrier street time. From one DOIS report, the OCA has requested total actual street time (OCA/USPS-100(a)).¹¹ From another DOIS report, the OCA has requested street time between first delivery point and last delivery point as measured by barcode scanning under the Managed Service Points program (OCA/USPS-77).¹² These data will allow direct estimation of travel time (as the

⁸ *Id.* at 826 (emphasis added) (quoting PRC Op. R71-1 at 84; citing PRC Ops R74-1 at 92, 127, and R80-1 at 129-33).

⁹ The most recent 13 months of data are maintained on a current or “active” basis. All DOIS data are archived at Eagan, Minnesota. See responses to interrogatories OCA/USPS-82-83, 97, 99, June 14, 2005.

¹⁰ See attachment to response to interrogatory OCA/USPS-97, June 14, 2005 (no information on accountables; no distinction between large and small parcels).

¹¹ These data appear as “Actual Street Hours” in the DOIS report “Route/Carrier Daily Performance/Analysis Report.” See attachment to response to interrogatory OCA/USPS-97, June 14, 2005.

¹² See USPS-T-15 at 9, n.4; response to interrogatory OCA/USPS-92, June 14, 2005 (such scans are required).

difference between clock time and scan time). The time between first and last scans can be used in an econometric model to estimate both fixed and variable delivery time. Whether such a model is adequate for cost attribution is a matter for economists to debate and for the Commission to decide. It is presumptuous in the extreme for Postal Service attorneys to declare such an econometric model invalid before it has even been submitted to the Commission.

The Postal Service's claims that the requested data may not be useful are flimsy at best. The value of the requested data is high, as it will allow development of true panel data on the order of the data used by witness Bozzo. The burden can be substantially reduced by extracting and providing the data electronically, as the OCA has indicated would be acceptable.

WHEREFORE, the OCA requests that the presiding officer direct the Postal Service to respond to interrogatories OCA/USPS-74, 76-77, 100(a), and 101.

Respectfully submitted,

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OCA/USPS-74. Please provide, separately for each delivery unit in the ZIP Codes in file AL161ZIPS.PRN, screen shots from DOIS, Supervisor Workbench, Daily Workload Mgmt, Capture Mail Volumes—Manual, Category: AM Available, Units: Pieces, showing delivery unit Totals for Letters (Pcs), Flats (Pcs), Seq Ltrs (Sets), Seq Flts (Sets), Parcels, Priority, DPS (Pcs), Caseable Automated Letters, and Caseable Automated Flats, for the following time periods: May 15-28, 2005; February 13-26, 2005; November 12-25, 2004; August 13-26, 2004; May 14-27, 2004. If the same data are available on a weekly basis, please provide them in lieu of daily data.

- a. Please explain the difference(s) between Ltrs (Pcs), DPS (Pcs), and Caseable Automated Letters. How does one calculate total letter-shaped pieces?
- b. Please explain the difference(s) between Flts (Pcs) and Caseable Automated Flats. How does one calculate total flat-shaped pieces?

OCA/USPS-76. Please provide the same information requested in interrogatory OCA/USPS-74 for the last two complete weeks (Sunday to Saturday) in February, May, August, and November of 2002 and 2003, and February 2004.

OCA/USPS-77. Please provide, on a daily basis, screen shots from DOIS showing the clock time for scan for first delivery point and and the clock time for scan for last delivery point corresponding to the days in the same time periods, same ZIP Codes, and same delivery units requested in OCA/USPS-74 and OCA/USPS-76.

OCA/USPS-100. Please refer to the attached page of a DOIS report.

- a. Please provide, separately for each delivery unit in the ZIP Codes in file AL161ZIPS.prn of LR-K-80, screen shots from DOIS, showing delivery unit totals for Cased Letters, Cased Flats, Delivered Seq, Delivered DPS, PP, and Street Hours Actual for the following time periods: May 15-28, 2005; February 13-26, 2005; November 12-25, 2004; August 13-26, 2004; May 14-27, 2004. If the same data are available on a weekly or pay-period basis, please provide them in lieu of daily data.

OCA/USPS-101. Please provide the same information requested in interrogatory OCA/USPS-100 for the last two complete weeks (Sunday to Saturday) in February, May, August, and November of 2002 and 2003, and February 2004.