

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

POSTAL RATE AND FEE CHANGES
PURSUANT TO PUBLIC LAW 108-18

Docket No. R2005-1

OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO MOTION TO
COMPEL OF DOUGLAS F. CARLSON REGARDING DFC/USPS-47
(June 16, 2005)

The United States Postal Service hereby responds in opposition to the motion to compel a response to DFC/USPS-47, filed on June 9, 2005.

The interrogatory reads:

DFC/USPS-47.

- a. Please provide the total number of collection boxes that were in service as of the most-recent date for which data are available. In your response, please identify Express Mail and non-Express Mail collection boxes separately.
- b. Please identify the data system from which the data provided in response to part (a) were derived or obtained.

The Postal Service objected to this request on the grounds of relevance and cumulative burden.

To begin a discussion of relevance, it is necessary to reiterate a point already made in an earlier pleading in this docket:

In and of themselves, numbers of collection boxes cannot be equated with value of service, as Mr. Carlson attempts to do. Motion at 2. If the Postal Service removes ten collection boxes from locations where they are rarely used, and places five of those boxes in high-volume locations of great convenience to customers, the raw number of box may go down, while value of service may go up.

In the instant motion to compel at page 3, Mr. Carlson continues to mistakenly equate

the number of collection boxes with a measure of value of service. Mr. Carlson now appears to be going even further afield, however, by suggesting that the relationship between the number of collection boxes and mail volume is so strong that the number of collection boxes should be a factor in estimating the volume of mail service demanded. Motion at 4. If that is the case, would Mr. Carlson further suggest that the Postal Service could reverse the decline in the volume of single-piece First-Class Mail simply by expanding the number of collection boxes? It is no wonder that his notion of the relevance of the number of collection boxes is so grossly inflated.

Notwithstanding the lack of direct relevance of the raw number of collection boxes, however, the Postal Service, as noted in the objection, has already provided a great deal of information on that subject, including information up through the end of the base year, FY04. The salient issue, therefore, is the marginal relevance of the updated information that Mr. Carlson has requested. He argues that “fresher” information is preferred to less recent information. Taking that principle as a guide, however, would result in rate cases which were never-ending cycles of providing information and then providing fresher information. Attempting to argue why collection box information needs to be “fresher” than, say, cost information provided for the base year, Mr. Carlson speculates that the nationwide collection box data already provided by the Postal Service could suffer from field updating that took place only on a quarterly basis. Motion at 2. In fact, however, an interrogatory response within a set currently being prepared for filing tomorrow will indicate that the updating interval in question was monthly, not quarterly. The base year information is thus more current than Mr. Carlson

would have the Commission believe.¹

Mr. Carlson further argues that base year information is not sufficient because test year information would be more relevant (Motion at 4), and that the Postal Service is obligated under Rule 54(e) to provide the number of collection boxes in the test year (*id.* at 3, 7). Rule 54(e), however, relates to “special” service arrangements, and has never been interpreted to require anything remotely resembling what Mr. Carlson suggests. The reliance of the motion to compel on Rule 54(e) is manifestly misplaced. Contrary to what the motion argues at pages 3 and 7, the Postal Service is not obligated to provide information on the number of collection boxes in the test year. The absence of any such obligation is understandable, since not only is the information of tangential relevance at best, but there exists no source from which it could be obtained.

The bottom line is that the collection box information provided thus far is sufficient for purposes of this proceeding. Mr. Carlson already has the number of collection boxes in operation at the end of FY04. Based on that information, as well as the substantial information from previous years presented in response to DBP/USPS-1, his motion (at pages 3-4) already demonstrates his ability to identify and comment on the trend he has observed since the last case. Such information provides a more than ample basis to make whatever arguments he wishes regarding value of service. Further information would not add anything useful to this proceeding.

¹ Interestingly, Mr. Carlson later in the motion agrees that “historical information provided as of the end of fiscal years was substantially similar to historical information provided as of April 1 each year.” Motion at 5. He immediately asserts, however, that “[f]resh data for the current year ... are an entirely different matter.” The Postal Service, submits, however, that this assertion rings hollow, and Mr. Carlson offers nothing to support it. One would expect substantial similarity between the data as of the fall of

The Postal Service objected on the basis of cumulative burden to highlight the fact that it has already undertaken a substantial burden to produce collection box information in this case. Under such circumstances, it would not be fair to assess the burden of responding to the current request without taking into consideration the previous burden. Otherwise, as noted in the objection, a party would be subject to death by a thousand cuts, as another party could simply request “updates” on a trivial matter over and over again.

In this case, the Postal Service got a request for a substantial amount of collection box information from Mr. Popkin. Knowing this subject to have been one of some contention in the past, the Postal Service undertook to examine what the result of those previous controversies had been, and respond accordingly with all of the appropriate information at once. One purpose of this effort was to minimize motion practice that burdens the Commission as well as participants. Another purpose, however, was to minimize the need for constant disruption of operational personnel, for whom rate case support is not a designed function, with a series of constant requests for this item, and then that item, followed by another item. In many instances, it is not the size of the item (i.e., the actual time it takes for the final actor to obtain the requested information) which is the major concern, but simply the coordination of the entire exercise up the chain through Headquarters and down the chain at (in this instance) San Mateo, and then back to Headquarters for filing. Thus, in seeking to avoid such scenarios, the Postal Service made a good-faith effort to provide all appropriate information requested by Mr. Popkin. Mr. Carlson now seeks nothing more

2004, and as of the spring of 2005.

than a “fresher” version of (some of) the information provided in response to Mr. Popkin.

Given the lack of marginal relevance of this information, the Postal Service submits that the burden of responding would be undue, whether the actual information retrieval took half a day, a full day, or several days. There is always a burden, administrative if nothing else, in responding to information requests of this type, and consequently common sense requires that there be much higher standard for mere information updates.

Therefore, the Postal Service opposes Mr. Carlson’s motion to compel a response to DFC/USPS-47.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

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