

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
DOUGLAS F. CARLSON MOTION TO COMPEL THE UNITED STATES
POSTAL SERVICE TO RESPOND TO INTERROGATORY DFC/USPS-67
(July 5, 2005)

In accordance with Rule 26(d) of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby responds in opposition to the Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatory DFC/USPS-67, filed by Mr. Carlson on June 27, 2005.

This interrogatory requests that the Postal Service provide the following information concerning Express Mail guarantees:

DFC/USPS-67.

- a) For a typical, average, or otherwise representative Monday, please provide the percentage of accepted Express Mail volume that is guaranteed for delivery on the next day, the second day, and the "second delivery day."
- b) For a typical, average, or otherwise representative Tuesday, please provide the percentage of accepted Express Mail volume that is guaranteed for delivery on the next day, the second day, and the "second delivery day."
- c) For a typical, average, or otherwise representative Wednesday, please provide the percentage of accepted Express Mail volume that is guaranteed for delivery on the next day, the second day, and the "second delivery day."
- d) For a typical, average, or otherwise representative Thursday, please provide the percentage of accepted Express Mail volume that is guaranteed for delivery on the next day, the second day, and the "second delivery day."

e) For a typical, average, or otherwise representative Friday, please provide the percentage of accepted Express Mail volume that is guaranteed for delivery on the next day, the second day, and the "second delivery day."

f) For a typical, average, or otherwise representative Saturday, please provide the percentage of accepted Express Mail volume that is guaranteed for delivery on the next day, the second day, and the "second delivery day."

g) For a typical, average, or otherwise representative Sunday, please provide the percentage of accepted Express Mail volume that is guaranteed for delivery on the next day, the second day, and the "second delivery day."

The Postal Service objected to this interrogatory on June 13, 2005, pointing out that it lacks any fundamental relevance to this proceeding, as any daily variations that a response to this interrogatory might show would not bear on the overall value of Express Mail service.

In his motion to compel, Mr. Carlson asserts that the information sought by this interrogatory is relevant because "the speed of delivery of Express Mail affects [its] value of service," and particularly that "daily fluctuations in service levels affect the value of Express Mail service." On this latter point, Mr. Carlson argues that customers "may view Express Mail as having a lower value of service" if guarantees on Fridays or Saturdays are for a lengthier time period than other days of the week.

The arguments advanced by Mr. Carlson are remarkably similar to arguments made by the Office of the Consumer Advocate (OCA) and rejected by the Presiding Officer in Docket No. R2001-1 after the OCA requested Express Mail data broken out by day of the week. In interrogatory OCA/USPS-119/R2001-1, the OCA asked for Express Mail volumes, revenues, and performance data disaggregated by each day of the week. The OCA argued, just as Mr. Carlson argues here, that this data, particularly

the performance data, was necessary in order to make a comparison between the delivery of Express Mail entered late in the week and the delivery of Express Mail entered early in the week or the middle of the week.¹ In Presiding Officer's Ruling No. R2001-1/28, however, the Presiding Officer denied the OCA's motion to compel, agreeing with the Postal Service that "daily variations" in Express Mail delivery "would not necessarily bear on the overall value of Express Mail service," and thus would make only a "slight" contribution to the evidentiary record.²

Thus, while Mr. Carlson asserts that "data revealing fluctuations in the level of Express Mail service throughout the week are relevant to the value of Express Mail service," Commission precedent establishes the minimal, if any, relevance of this data to postal ratemaking. The Postal Service already has provided, in its response to DFC/USPS-77, the best data it has available to compile aggregate figures for the volume of Express Mail guaranteed for delivery in one day, two days, three days, and four days, and there is simply nothing to be gained in this proceeding by further disaggregating this data by each day of the week. As the Postal Service noted in the last rate case in successfully arguing against the OCA's motion to compel, the focus of any ratemaking exercise in which rates do not vary based on the day of the week is the *overall* value of Express Mail service, and any daily fluctuations that disaggregating this data may show simply do not bear on that overall value of service.

¹ See Docket No. R2001-1, Office of the Consumer Advocate Motion to Compel Production of Documents Requested in OCA/USPS-119 and 123(a) (November 19, 2001), at 2.

² See Presiding Officer's Ruling No. R2001-1/28 (January 3, 2002), at 3-4. The Presiding Officer did require the Postal Service to provide the delivery performance data requested by the OCA in OCA/USPS-119(b) broken out by quarter. See *id.*

In the end, the information requested by Mr. Carlson in this interrogatory may be useful to the Commission in another proceeding, such as Mr. Carlson's recently-filed complaint concerning Express Mail, Docket No. C2005-1 (in which he alleges that the Postal Service has "invent[ed] . . . a new level of Express Mail Service called 'Second Delivery Day,'" which he asserts does not appear in the DMCS). It is simply not relevant, however, to an omnibus rate case. Accordingly, the Presiding Officer should deny Mr. Carlson's motion.

Respectfully submitted,

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