

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Evolutionary Network Development
Service Changes

Docket No. N2006-1

PRESIDING OFFICER'S RULING
ON DOUGLAS F. CARLSON MOTION
TO COMPEL RESPONSES TO
INTERROGATORIES DFC/USPS-6, 8 AND 9

(Issued June 21, 2006)

This ruling concerns a motion¹ filed by Douglas F. Carlson on May 22, 2006, which seeks to compel the Postal Service to respond to his interrogatories DFC/USPS-6, 8 and 9. The Postal Service objected to these and one other interrogatory on May 8, 2006.² I address each of the disputed interrogatories in sequence below.

DFC/USPS-6. This interrogatory requests detailed information for each mail collection box located in three ZIP Codes for which the final weekday collection time was changed from 5:00 p.m. or later to a time before 5:00 p.m. that resulted from the consolidation of outgoing mail-processing operations from the Olympia P&DF to the Tacoma P&DC. The Postal Service objects on the ground that the requested data are "localized minutiae...irrelevant to the issues of national policy raised by the request in this proceeding."³

¹ Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatories DFC/USPS-6, 8 & 9, May 22, 2006 (Motion to Compel).

² Objections of the United States Postal Service to Carlson Interrogatories DFC/USPS-6 and 8 through 10, May 8, 2006 (Objections).

³ Objections at 2.

In his motion, Mr. Carlson argues that the interrogatory legitimately attempts to explore the effect of the consolidation in Olympia, Washington on the Postal Service's ability to provide collections consistent with the national service standards for collections published in Chapter 3 of the Postal Operations Manual. According to Mr. Carlson, examining a recent, real-life consolidation is an appropriate inquiry because it will yield information bearing on whether service provided after the consolidations contemplated by the Postal Service is consistent with statutory mandates. He further claims that each of the data elements sought in the interrogatory is necessary to determine consistency with those standards.⁴

In its reply, the Postal Service withdraws its objection insofar as it applies to the address, city, and average weekday volumes for collection boxes associated with the 23 last pickup time changes that occurred in the 985 ZIP Code. However, the Service maintains that no material information can be derived from the location ID numbers of collection boxes, and further argues that information for the 983 and 984 ZIP Codes is irrelevant to this docket.⁵

Given the Postal Service's partial withdrawal of its objection, the remaining question to be resolved is the extent to which other information responsive to the interrogatory is relevant to issues presented in this case. I agree with the Service that the location ID numbers of particular collection boxes in the affected service areas are not relevant to the issue identified by Mr. Carlson: the extent to which the Olympia consolidation affected service by shifting box collection cutoff times to earlier in the day, and the consistency of those changes with statutory considerations. Therefore, I shall not direct the production of this kind of information.

However, I disagree with the Service's suggested limitation to information exclusively from the 985 ZIP Code. Mr. Carlson's interrogatory seeks information regarding collection time changes "due in whole or in part to the consolidation of outgoing mail-processing operations from the Olympia P&DF to the Tacoma P&DC." If

⁴ Motion to Compel at 1-4.

⁵ Reply of the United States Postal Service to Motion to Compel Responses to DFC/USPS-6, 8 and 9, May 30, 2006 (Reply), at 1-2.

there is responsive information that would indicate consequent changes in the 983 and 984 ZIP Codes, that material would be relevant to establishing the service changes produced by the Olympia AMP documented in Library Reference No. 5. The Postal Service represents that “the only 3-digit ZIP Code area in which changes have been made in connection with the Olympia consolidation are in the 985 ZIP Code area[.]”⁶ These representations are an inadequate substitute for a response to the interrogatory. Therefore, I shall direct the Postal Service to include in its answer any responsive information pertaining to the 983 and 984 ZIP Codes. If there is no such information, or if available information indicates that no changes occurred, the Service may so state.

DFC/USPS-8 and 9. The first of these interrogatories asks for the date on which outgoing mail-processing operations were transferred from the Salinas P&DF to the San Jose P&DC for the 939 ZIP Code. The second asks the Postal Service to confirm that the consolidation of outgoing mail-processing operations from the Salinas P&DF to the San Jose P&DC for the 939 ZIP Code was one reason why final collection times in the 950 ZIP Code were changed to an earlier hour in 2001 or 2002, or to explain a non-confirmation. The Postal Service objects to both on the ground of relevance, asserting that the requested information “is patently irrelevant to the issues raised by the request in this proceeding.”⁷

Mr. Carlson argues that, while the date of the Salinas-to-San Jose consolidation may be intrinsically irrelevant, knowing it may shed light on a letter he received from a Postal Service manager in April of 2002 regarding mail-processing operations in San Jose. Mr. Carlson suspects that this consolidation was the impetus for a “reorganization” that resulted in cutbacks in collection services in several locations.⁸ Against this background, Mr. Carlson argues that discovery to confirm the coincident timing of the Salinas consolidation, and that the consolidation caused the cutback in collection services, is highly likely to lead to the discovery of admissible evidence. That

⁶ Reply at 2.

⁷ Objections at 3.

⁸ Motion to Compel at 4-5 and Exhibit 1 (Attachment).

evidence, he contends, would bear on “whether plant consolidations cause changes in collection services that may result in service that falls short of the national service standards and the Postal Service’s statutory mandates.”⁹

In its Reply, the Postal Service argues that Mr. Carlson has failed to articulate any nexus between the information sought in the interrogatories and the Service’s request in this proceeding. The Service argues that the interrogatories seek to revive issues raised in Docket No. C2003-1, and are cumulative and unnecessary in the context of this proceeding. According to the Service, establishing that collection box changes may have occurred five years ago in connection with an isolated operational consolidation at the Salinas facility would make no additional contribution to the record on the likelihood of END-related consolidations to produce similar changes.¹⁰

I agree with the Postal Service that the possible connection between effects produced by the Salinas consolidation and the potential effects of the END program is too remote to warrant compelling answers to these interrogatories. In Ruling No. 5, similar considerations led me to limit the compelled response to an interrogatory of David B. Popkin to “consolidation actions that were essentially contemporaneous with the actions reported in USPS Library References N2006-1/5 and 6.”¹¹ Whatever significance the Salinas consolidation and its effects may have had in the context of Docket No. C2003-1, those events are too distant in time from the initiation of the END program and associated AMPs. Therefore, I shall deny the motion as to these two interrogatories.

⁹ *Id.* at 5.

¹⁰ Reply at 2-5.

¹¹ Presiding Officer’s Ruling No. N2006-1/5, March 31, 2006, at 5.

RULING

The Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatories DFC/USPS-6, 8 & 9, filed May 22, 2006, is granted in part as to DFC/USPS-6, as specified in the body of this ruling, and denied as to DFC/USPS-8 and DFC/USPS-9.

Dawn A. Tisdale
Presiding Officer