

**BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001**

Postal Rate and Fee Changes, 2006

Docket No. R2006-1

**DOUGLAS F. CARLSON
REPLY TO POSTAL SERVICE OPPOSITION TO
MOTION TO COMPEL THE UNITED STATES POSTAL SERVICE
TO RESPOND TO INTERROGATORY DFC/USPS-T16-6**

August 22, 2006

In its opposition to my motion to compel a response to DFC/USPS-T16-6, the Postal Service argues that protective conditions cannot “adequately safeguard” information identifying the airport from which FedEx provides transportation from origin processing facilities.¹ The Postal Service further suggests *in camera* review by the Commission. Neither position has merit.

Protective conditions prohibit participants from disclosing information. The Postal Service’s suggestion that protective conditions cannot adequately safeguard the data is an affront to every participant in this proceeding and, in particular, to me, since I am requesting the information. This assertion appears to have only two possible implications. First, the Postal Service believes that I have criminal intent. Alternatively, the Postal Service believes that I will violate the terms of the protective conditions and disclose the data. Both suggestions are false. My 10 years of practice before this Commission belie any suggestion that I violate Commission orders or protective conditions. The presiding officer should direct the Postal Service to provide sworn statements supporting its

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-T16-6 (“Opposition”) at 4, filed August 21, 2006.

suggestion that protective conditions would be inadequate to protect the data. These declarations should specifically identify the basis for the Postal Service's apparent suggestion that I either have criminal intent or cannot be trusted to abide by the terms of protective conditions.

In camera review would be entirely inappropriate, as it would deprive participants of the robust cross-examination to which they are entitled. See, e.g., 5 U.S.C. § 556(d). *In camera* review is an extreme remedy that would be permissible only if the Postal Service could demonstrate that protective conditions would not adequately protect the data. Thus, until the Postal Service can satisfy the first requirement, a discussion of *in camera* review would be premature.

Finally, the presiding officer should recognize that the information I am requesting in DFC/USPS-T16-6 hardly is a big secret. For probably 90 percent of all processing facilities, the airport from which mail is flown is obvious. Mail originating in Kansas City or Omaha or Seattle likely is flown from the major airport in those cities. The airport is less obvious for a city such as Washington or New York that has more than one major airport. However, the Postal Service fails to appreciate that FedEx itself discloses this information routinely for packages sent on the FedEx network. To obtain this information, all a person needs to do is to send a package and check the tracking system. The FedEx tracking system always shows the departure and arrival city, as well as connecting cities. A FedEx package from San Francisco to Washington that I tracked recently departed from San Francisco, passed through the Memphis hub, and arrived at Washington Dulles Airport. I recall that a FedEx package that I tracked recently from San Francisco to New York City departed from San Francisco, passed through the Memphis hub, and arrived in Newark. The Postal Service's claims are nothing more than another attempt to deprive the public, and now participants, of information by exaggerating security risks.

As I indicated in my motion to compel, I am willing to consider the information appropriate for disclosure under protective conditions for the purpose of expedition, even though I am far from convinced that the public does not already have access to essentially the same information from the FedEx tracking system or that public disclosure of the information would pose any security risk.

The presiding officer should deny the Postal Service's request for *in camera* review.

Respectfully submitted,

Dated: August 22, 2006

DOUGLAS F. CARLSON