

# DOCKET SECTION

BEFORE THE

POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 1997

Docket No. R97-1

**DOUGLAS F. CARLSON  
MOTION TO COMPEL  
THE UNITED STATES POSTAL SERVICE  
TO ANSWER INTERROGATORY DBP/USPS-6(n)**

**November 24, 1997**

As directed by POR MC97-1/53,<sup>1</sup> the Postal Service filed its response to DBP/USPS-6(n) on November 14, 1997. Despite the presiding officer's conclusion that the information this interrogatory sought is "relevant to the value of service" and "not overly burdensome" to produce, the Postal Service did not answer the interrogatory or, apparently, even attempt to answer it. Therefore, pursuant to § 2(B) of the *Special Rules of Practice*, I move to compel the Postal Service to answer DBP/USPS-6(n).

DBP/USPS-6(n) reads as follows:

Are there instances where the time shown on the collection box label is deliberately made well before the actual collection time [such as the box being marked at 9 AM even though [sic] the box is collected in the afternoon] so as to reduce the likelihood of the collection box being collected early?

In its opposition to Mr. Popkin's motion to compel an answer to this interrogatory, the Postal Service attributed an unreasonably large scope to this interrogatory and argued that "[A]n examination of the motivation for every act of every postal employee seeking to improve service is not [relevant to the 'value of service' question on an aggregate level]. Moreover, canvassing thousands of post offices and hundreds of thousands of

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<sup>1</sup> Filed October 30, 1997.

employees to make such a determination is unduly burdensome beyond anyone's ability to measure."<sup>2</sup> In directing the Postal Service to answer this interrogatory, the presiding officer rejected these arguments and instructed the Postal Service to answer the interrogatory.<sup>3</sup> Instead, the Postal Service provided the following response:

It would take a comprehensive examination of each decision concerning each current collection box pick-up time in order to determine whether any time shown on any collection box label was "deliberately made well before the actual collection time so as to reduce the likelihood of the collection box being collected early." In the absence of such a survey, it is impossible to say, one way or the other, whether such a situation currently exists.<sup>4</sup>

The Postal Service's assertion is not accurate. A comprehensive survey would be necessary only if the Postal Service first conducted an investigation of a reasonable scope and failed to uncover any instances of the posted collection time being set "well before" the actual collection time for the purpose of averting an early collection. For example, the Postal Service could have contacted selected area or district offices and queried the persons at those offices who are responsible for overseeing policies governing collections. If a policy exists at the area level that is similar to the one that DBP/USPS-6(n) suggests, this inquiry would have produced the information that Mr. Popkin's interrogatory sought. The Postal Service has only 10 areas. The Postal Service could reasonably have contacted 10 area offices. Moreover, if a survey of the area offices did not produce the necessary information, the Postal Service could have contacted a few district offices and local post offices and inquired into their procedures. Asking a few district offices and local post offices would have been reasonable, too. The interrogatory does not request a comprehensive survey; it merely requests confirmation that certain situations exist. However, despite the presiding officer's ruling, the Postal Service has failed to make a reasonable effort to respond to this interrogatory.

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<sup>2</sup> Reply of the United States Postal Service to Parts of David Popkin Motion to Compel Responses to Interrogatories, filed October 17, 1997.

<sup>3</sup> POR MC97-1/53 at 3.

<sup>4</sup> Response to DBP/USPS-6(n), filed November 14, 1997.

If the Postal Service conducts a reasonable investigation into this issue, I believe that the Postal Service will readily be able to confirm that the situation envisioned by Mr. Popkin's interrogatory exists. In fact, I believe that this situation is normal in areas that are monitored under EXFC.

As the Postal Service's response to DBP/USPS-6(p) confirms, POM §§ 313.2 and 313.3 generally require that collections be made within 20 minutes after the time indicated on the collection label. Nonetheless, one California post office, at the direction of its district office, responded to EXFC and the possibility of being caught collecting a box early by changing the posted final weekday collection time of high-volume downtown mailboxes from 5:00 PM to 3:00 PM; the actual scheduled collection time remained after 5:00 PM. An outcry from the public caused the 5:00 PM posted collection times to be restored. In some California cities, all collection boxes in residential areas have 9:30 AM or 10:00 AM collection times, even though the carriers often are not on the streets, let alone collecting the boxes, within 20 minutes of the posted collection times. At the Emeryville post office, the final posted collection of the boxes outside the post office is 5:00 PM on Saturdays. A collector from Oakland, not the staff in the Emeryville facility, is responsible for collecting these boxes. On many occasions, I have observed the letter carriers returning from their routes between 5:00 and 5:30 PM and depositing their collection mail into these boxes. One day, I asked a carrier for her deadline for depositing mail in those boxes. She replied that carriers have been directed to deposit their mail by 5:30 PM. I have, indeed, not observed these boxes being collected prior to 5:30 PM. The carrier's response, along with my own observations, suggests that the collection is scheduled more than 20 minutes after the posted collection time.

Section 54(n) of the *Rules of Practice* requires the Postal Service to provide its performance goals and statistics. The information that DBP/USPS-6(n) seeks is, as the presiding officer noted,<sup>5</sup> relevant to an evaluation of the Postal Service's performance statistics. For example, if EXFC has prompted the Postal Service to post collection

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<sup>5</sup> See POR MC97-1/53 at 3.

times that are earlier than the pre-EXFC collection times, the value of service has, in this respect, decreased because customers now must deposit their mail earlier or use boxes that are located farther away that have a later posted collection time — even though the actual collection time of the closer box would have sufficed for the customer.

As I explained in comments that I filed on November 14, 1997,<sup>6</sup> the Postal Service already has provided an unreliable answer to three of my interrogatories in this case. Those answers would have been reliable if the Postal Service had conducted a reasonable investigation into my questions. For DBP/USPS-6(n), the Postal Service has defied the presiding officer's ruling and apparently failed to conduct *any* investigation, thus requiring expensive participant follow-up.<sup>7</sup> The Postal Service has a duty to provide truthful, reliable answers to interrogatories. Therefore, I move to compel the Postal Service once again to answer DBP/USPS-6(n).

Respectfully submitted,

Dated: November 24, 1997



DOUGLAS F. CARLSON

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### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with section 12 of the *Rules of Practice* and sections 3(B) and 3(C) of the *Special Rules of Practice*.



DOUGLAS F. CARLSON

November 24, 1997  
Emeryville, California

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<sup>6</sup> Douglas F. Carlson Comments on Opposition of United States Postal Service to Douglas F. Carlson Motion to Admit DFC/USPS-T40-XE-1-9 and LR-DFC-1 into Evidence, filed November 14, 1997.

<sup>7</sup> See *Id.* at 7.