

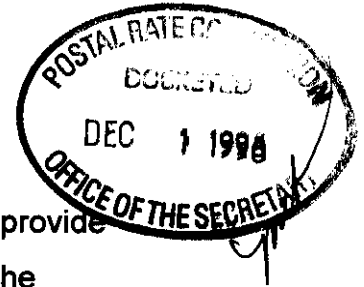
**BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001**

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

General Review of the Rules of Practice

Docket No. RM98-3

**DOUGLAS F. CARLSON
COMMENTS IN RESPONSE
TO ORDER NO. 1218**



In response to Order No. 1218, I, Douglas F. Carlson, hereby provide comments on the incorporation of the Special Rules of Practice into the Commission's Rules of Practice, and I propose a new rule for electronic service.

SPECIAL RULES OF PRACTICE

I encourage the Commission to incorporate the Special Rules of Practice into the Rules of Practice. The Special Rules of Practice have been used in several cases and have worked well in expediting the cases. Having two sets of rules can be confusing, so I believe that the Special Rules of Practice should be incorporated into the Rules of Practice. I do, however, have comments about Special Rule 2(E).

Special Rule 2(E) should be clarified to incorporate the recent rulings limiting its applicability. As written, the rule suggests that discovery directed to the Postal Service is permissible for a significantly longer period of time than it is, in fact, permissible if a participant "needs to obtain information (such as operating procedures or data) available only from the Postal Service." Participants have attempted to file interrogatories under this special rule, only to learn subsequently that the rule does not mean what it says. Simply stated, the plain language of the rule conflicts with the rule's actual meaning. Moreover, new participants should not be required to be familiar with previous rulings that drastically restrict the scope of the rule. Participants would benefit from a clearly

written rule that explains the circumstances under which participants may use this extended period of discovery. I urge the Commission to clarify Special Rule 2.E.

ELECTRONIC FILING AND SERVICE

In POR MC98-1/4, the Commission announced an electronic-service experiment. According to the presiding officer, the experiment was “identified as a cost savings option for intervenors through its reduction of the mailing requirements for hard copies of documents, with simplified service requirements benefiting both the intervenors and the Commission.” POR MC98-1/4 at 1.

I participate in Postal Rate Commission proceedings as an individual representing myself. The expense associated with filing documents is, at times, staggering. In Docket No. R97-1, a small document that weighed under one ounce cost me nearly \$50 to photocopy and mail to each participant. Documents that weighed four ounces, such as my responses to discovery, cost me nearly \$200 to photocopy and mail. In order to participate effectively in the case, I filed approximately 50 documents. The photocopying and mailing expenses pose a significant barrier to individuals who wish to participate in ratemaking proceedings.

I believe that individuals often provide an important perspective to the Commission. In fact, on many issues — particularly the fees for Special Services — we are the only participants other than the OCA who focus on these issues. Therefore, I believe that the Commission should encourage our participation by removing as many barriers as possible. I appreciate the electronic-service experiment in Docket No. MC98-1 because it attempts to reduce our costs substantially.

Some other participants already have filed comments indicating their reservations about the experiment. Although I do not have access to these

comments at the moment, I recall concerns by the Postal Service, the OCA, and one other party about the time involved in reviewing and printing documents from the Web site each day. All believe that the costs associated with downloading documents each day would be greater than the costs of simply photocopying and mailing their own filings. In other words, although the electronic-service experiment allows participants to avoid the costs of photocopying and mailing their own filings, these participants believe that the cost of downloading and printing documents each day would outweigh the photocopying and mailing costs that they would avoid by filing electronically.

As an individual, I *welcome* the opportunity to avoid photocopying and mailing costs. However, I, too, dislike the idea of viewing a large number of filings on the Web each day and printing many of the documents. Individuals often must read filings at lunchtime during their regular job, on public transportation or airplanes, or even in the living room in the evening while watching television — in other words, whenever they can find time to scan and read the filings. Finding hours to spend seated at the computer reviewing documents would be difficult.

Nonetheless, I am willing to make some sacrifice in order to avoid photocopying and mailing costs. Therefore, I propose another alternative. This alternative would be open to any participant, but the individuals would be the most likely of all participants to elect this alternative. Under my proposal, participants could elect to receive electronically, via the Web site, all documents issued by the Commission and the OCA. The Commission would save significant postage costs by avoiding the need to mail hard-copy documents to these participants. In exchange, the Commission would serve to all other participants in the case a hard copy of each document that these participants file. These participants would simply file with the Commission an original and three copies of their document, plus an electronic version of the document (via disk or e-mail); the participants also would serve the opposing party with one

hard copy (or six hard copies, if the opposing party were the Postal Service). The Commission would photocopy and mail the documents, in most cases combining these documents with other documents that it already was mailing out on that day.

The Commission already has shown a willingness under the current electronic-service experiment to photocopy and mail hard copies of parties' filings to other participants, so my proposal is consistent with the existing experiment. However, my proposal may be more viable for some participants than the current experiment. Specifically, although I would not be willing in an omnibus case to receive *all* documents electronically, I would be pleased to receive only Commission and OCA filings electronically because these documents represent a manageable number. In fact, most OCA filings are interrogatories to the Postal Service, and I generally would skim but not print the OCA interrogatories because the interrogatories are repeated when the Postal Service responds to the interrogatories. Thus, I would wait for the hard-copy interrogatory *responses*.

In sum, my proposal would reduce Commission expenses in serving hard copies of Commission and OCA filings to participating intervenors, and it would significantly reduce the expense to intervenors of filing documents. My proposal also would reduce the daily burden to these participants of reviewing and printing a large number of documents from the Web site. To the extent that the Commission values the contributions of individuals, my proposal would greatly reduce the barriers that individuals presently face in participating in ratemaking proceedings effectively. And, of course, all participants, not solely individuals, would be welcome to elect this option if they believed that it would benefit them.

Respectfully submitted,



DOUGLAS F. CARLSON