

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

Postal Rate and Fee Changes, 2006

Docket No. R2006-1

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

August 14, 2006

On July 28, 2006, I filed interrogatory DFC/USPS-T16-6.¹ This interrogatory reads:

Please refer to your response to DFC/USPS-T16-5. Please provide the file '&MPATH.RTE_FDX.CSV'.

This file identifies which FedEx air facility serves each origin SCF. Witness Nash proposes to stop charging all distance-related ground transportation costs to Priority Mail zones 1–4, for which mail normally travels by truck, and instead to include ground transportation costs between mail-processing facilities and FedEx air facilities in the rates for zones 5–8. USPS-T-16 at 9–11. Witness Nash's testimony confirms that the Postal Service used this mapping in performing these calculations. *Id.* Witness Nash specifically reports that the computer program and the results appear in USPS-LR-L-38. USPS-T-16 at 11. The Postal Service provided a portion of the computer program in plain-text format in response to DFC/USPS-T16-5.

¹ Douglas F. Carlson Follow-up Interrogatory to United States Postal Service Witness Joseph E. Nash (DFC/USPS-T16-6), filed July 28, 2006

The Postal Service objects on the grounds of relevance, security, and commercial sensitivity.² Oddly, even though the computer program used the file that I am seeking to produce evidence on which the Postal Service relies in support of its rate proposals in this proceeding, the Postal Service claims that the “contents of this file are irrelevant to any of the issues in this omnibus rate proceeding.” Objection at 1. The Postal Service states further that

Witness Nash merely mentioned the connection between SCFs and FedEx air facilities in his discussion of distributing certain ground miles to Zones 5–8 because those ground miles are incurred in transporting mail to and from air facilities for a journey that results in Zones 5–8. The actual connections, themselves, are not related to his testimony.

In reality, witness Nash is sponsoring a library reference, USPS-LR-L-38, that contains a computer program that uses the file I am seeking as an input. See DFC/USPS-T16-5. Witness Nash’s library reference also contains the results from this computer program. Witness Nash relies on these results to support the Postal Service’s proposal for new rates for Priority Mail. And if witness Nash somehow does not rely on these results, the Postal Service does. The Postal Service’s decision to use the data that I am seeking unequivocally establishes the relevance of this information to this proceeding.

Participants have a right to examine data inputs to Postal Service analyses. If every element of data, and every study, that the Postal Service conducted for a rate case were perfectly accurate and uncontroversial, perhaps the need for robust cross-examination and independent analyses by participants would diminish. In reality, the Postal Service, like everyone else, makes mistakes from time to time. Participants must have an opportunity to study and replicate the Postal Service’s analyses. In fact, the Administrative Procedure Act states that parties are “entitled * * * to conduct such cross-examination as may

² Objections of the United States Postal Service to Douglas F. Carlson Interrogatory to United States Postal Service Witness Joseph E. Nash (DFC/USPS-T16-6) (“Objection”), filed August 7, 2006.

be required for a full and true disclosure of the facts.” 5 U.S.C. § 556(d). As the presiding officer is well aware, the discovery process often highlights errors and omissions. Participants must have access to all data that the Postal Service used to produce analyses on which it relies in support of its rate proposals.

The Postal Service also objects on the grounds of security and commercial sensitivity. I am not convinced, based on the information provided, that the Postal Service can establish that this information must be disclosed only under protective conditions. However, in the interest of expediency, and without waiving my right to oppose protective conditions for release of any information in the future, I will consent to disclosure of this information subject to protective conditions.

Respectfully submitted,

Dated: August 14, 2006

DOUGLAS F. CARLSON