

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

REQUEST FOR THE INITIATION OF A PUBLIC INQUIRY PROCEEDING INTO USPS
SERVICE PERFORMANCE SINCE JUNE 2020

STEVE HUTKINS

(September 1, 2020)

On August 21, 2020, as part of the 2019 Annual Compliance Determination review, I submitted a Motion asking the Presiding Officer to issue an information request for service performance data that would help shed light on the delivery delays that began when the Postal Service implemented operational changes in June 2020.¹ On August 28, the Postal Service filed a Response opposing my Motion. The Postal Service argued that the Motion was filed too late (i.e., after the Commission issued the 2019 ACD on March 25, 2020), that it was “beyond the scope of the Annual Compliance Report (ACR) 2019 docket,” and that “the Commission’s regulations do not compel more frequent reporting” than the quarterly and annual reports the Postal Service already submits.²

¹ Steve Hutkins’ Motion for Issuance of Information Request No. 3, PRC Docket No. ACR2019 (August 21, 2020)

² Response of the United States Postal Service to Steve Hutkins’ Motion for Issuance of Information Request No. 3, PRC Docket No. ACR2019 (August 28, 2020)

These objections are not without some merit, but they are all essentially procedural in nature. The Postal Service does not claim that the information in the weekly service performance reports is unavailable or that it is commercially sensitive or that it should not be made public for some other reason. The Postal Service does not dispute the inherent value of making the reports available to the Commission and the public.

The Commission has not yet ruled on the Motion, and it is not required to do so. During the pendency of the Motion, I would like to suggest consideration of an alternative approach: establishment of a Public Inquiry docket.

Pursuant to its Rules of Practice, § 3010.102 (“Commission dockets”), I would like to request that the Commission initiate a Public Inquiry proceeding concerning the impacts on service performance that may have been caused by recent changes in postal operations. As stated in § 3010.102(b), “When permitted by statute or regulation, any person may seek the initiation of a proceeding by filing a request with the Commission that complies with the rules governing the type of proceeding being requested.” Section 3010.102(d)(1)(x) identifies Public Inquiry as one of the types of proceedings covered by § 3010.102.

The proposed Public Inquiry falls squarely within the scope of what such proceedings have previously encompassed. The Commission has initiated Public Inquiry proceedings into service performance and service standards, post office suspensions, the Terms of 39 U.S.C. 404(d), the postal monopoly, and so on. These inquiries have been initiated for various reasons. For example, the Inquiry Concerning Service Performance Measurement Data (October 29, 2015) was initiated in response

to a recommendation made by the Government Accountability Office.³ The Public Inquiry Concerning the Terms of 39 U.S.C. 404(d) was initiated to address issues that had arisen in previous petitions concerning the scope of the Commission’s appellate authority with regard to post office relocations and the closure of CPUs”.⁴ As far as I have been able to determine, the Postal Service has never objected to establishing a Public Inquiry proceeding.

The service performance information that would be the subject of the proposed Public Inquiry has already arisen as a matter of concern in two Congressional hearings into the mail delays, one held by the Senate Homeland Security and Governmental Affairs Committee (August 21, 2020) and the other by the House Committee on Oversight and Reform (August 24, 2020). At both hearings, members presented USPS charts illustrating declines in service performance. One set of charts had come from presentations at two Areas Inspiring Mail (AIM) Meetings.⁵ A second set of charts entitled “Service Performance Measurement: PMG Briefing” came from a presentation prepared directly for the Postmaster General on August 12, 2020.⁶

³ Notice Establishing Docket Concerning Service Performance Measurement Data, Docket No. PI2016-1 (October 29, 2015), at 1-2, citing Government Accountability Office, Actions Needed to Make Delivery Performance Information More Complete, Useful, and Transparent.

⁴ Notice and Order Seeking Comments on Commission Jurisdiction Over Postal Service Determinations to Close or Consolidate Post Offices, Docket No. PI2016-2, (Dec. 10, 2015), at 2.

⁵ Eastern Area AIM Meeting - Service Update (August 4, 2020) [<https://postalpro.usps.com/node/8407>]; Pacific Area AIM Meeting Presentation (August 13, 2020) [<https://postalpro.usps.com/node/8472>]

⁶ New Postal Service Documents Show Nationwide Delays Far Worse Than Postal Service Has Acknowledged, August 22, 2020 [<https://oversight.house.gov/news/press-releases/new-postal-service-documents-show-nationwide-delays-far-worse-than-postal>]. The presentation can be found at

The charts showed service performance on a weekly basis from earlier this year to early August. The Congressional committees found these charts very helpful, and it is likely that the committees would find more information along these lines extremely valuable. In fact, just yesterday the Postal Service shared additional charts with Congress, presumably to help illustrate that service performance has been improving since mid-August .⁷

The proposed Public Inquiry into service performance would help prepare the Commission to respond if asked to do so by Congress. It would provide an appropriate forum to inquire into service performance that does not fit squarely into the period of an Annual Compliance Determination review, and it would allow the Commission to issue Information Requests about service performance outside of the limitations of the ACD. The Commission would also be able to receive comments from the public. Such a Public Inquiry could be limited in its time frame to approximately five months, from mid-June to mid-November, and be limited to service performance.

Respectfully submitted,
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[\[https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/PMG%20Briefing_Service%20Performance%20Management_08_12_2020.pdf\]](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/PMG%20Briefing_Service%20Performance%20Management_08_12_2020.pdf).

⁷ Congressional Briefing: Transportation & Service Performance Updates, August 31, 2020
[\[https://about.usps.com/newsroom/global/pdf/0831-congressional-service-briefing.pdf\]](https://about.usps.com/newsroom/global/pdf/0831-congressional-service-briefing.pdf)