

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
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Postal Rate and Fee Changes, 2006]

DOCKET NO. R2006-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORY DBP/USPS-
59 subpart d

I move to compel responses to the interrogatory submitted to the United States Postal Service that has been objected to by them.

July 5, 2006

Respectfully submitted,

R20061MTC4

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

On June 5, 2006, I submitted Interrogatory DBP/USPS-59. On June 20, 2006, the Postal Service filed an objection to subpart d of that interrogatory.

The interrogatory reads as follows:

DBP/USPS-59 [a] Please advise why presorted First-Class Mail is not measured by the EXFC program.

[b] Please advise and provide the reasons for all other categories of First-Class Mail that are not measured by the EXFC program.

[c] Please provide a breakdown of the total number of EXFC reporters utilized for the most recent available time for each of the following address categories:

- [1] Residential City Delivery customer
- [2] Business City Delivery customer
- [3] Post Office Box customer
- [4] General Delivery customer
- [5] Rural Delivery customer
- [6] Highway Contract Delivery customer
- [7] Other [please specify]

[d] For the ZIP Codes that are included in each of the performance clusters that are part of the EXFC program, please provide the total number of delivery points in each of the seven categories shown in subpart c.

[e] Please provide a similar breakdown showing the number of mailpieces received by EXFC reporters during a reporting period in each of the seven categories shown in subpart c.

[f] Same as subpart d except provide the total number of mailpieces received by all addressees in each of the seven categories shown in subpart c.

[g] Please provide the level of confidence the data represents with the use of the number of reporters as shown in subpart c are utilized to measure the data for all of the potential addresses as shown in subpart d and the number of mailpieces shown in subpart e are utilized to measure the total mail volume shown in subpart f. Does the level of confidence change when the individual Performance Cluster data is evaluated? If so, please discuss and explain.

[h] Please provide similar information for the PETE program and the Express Mail program.

[i] Are the number of reporters utilized based on the number of potential addresses in an area or are the number of mailpieces tested based on the total number of mailpieces in the area or both? Please discuss the reasons.

[j] Please discuss the relative percentages of subpart c compared to subpart d and subpart e compared to subpart f as they are spread across the eighty-some Performance Clusters that are in the program. In other words, provide data that shows that all involved Performance Clusters are evaluated equally.

[k] Please discuss and explain any other criteria that are evaluated to ensure equal treatment between Performance Clusters, such as, whether the Performance Cluster does or does not make collections that comply with the Postal Operations Manual.

The Commission's Rules of Practice allow the recipient of an Interrogatory to object to responding to an Interrogatory within a 10-day period after filing. However, they also require a response to that Interrogatory within a 14-day period. The Rules also allow the originator of an objected to Interrogatory a 14-day period to file a Motion to Compel a response.

In the instance where the recipient of the Interrogatory only files a partial objection to the Interrogatory or objects to only certain subpart[s] of a single Interrogatory, the originator of the Interrogatory can wait the additional four days and then evaluate the response that has been made to the Interrogatory [in the case of a partial objection] or the response that has been made to the subpart[s] that have not been objected to [in the case where an objection was filed to only certain subpart[s] of a single Interrogatory]. In that way, the originator of the Interrogatory will still have the remaining 10-day period to evaluate the response and determine if their discovery needs have been met or it is necessary to file a Motion to Compel.

In this case the Postal Service has objected to subpart d only. They have not objected to subparts a through c and e through k. Even though they have not objected to ten of the eleven subparts, they have failed to respond to these ten subparts within 14 days of their filing on June 5, 2006. Had they responded to them by the June 19th deadline, or even if they had responded to them by July 3rd, I could evaluate the response and determine if it was

satisfactory. However, I have no choice but to file this Motion to Compel by the July 5th deadline. Subparts c through j were designed to basically achieve one objective, namely, the last sentence of subpart j. Each of those separate pieces was designed to determine that all of the Performance Clusters are evaluated equally in the EXFC program.

The Postal Service bases their object to responding to subpart d on the grounds of relevance, materiality, and undue burden.

If there is no objection of relevance or materiality to the other ten subparts, then subpart d is just one piece in the effort to determine that all of the Performance Clusters are evaluated equally in the EXFC program. Subpart d requests data for each of the some 80 Performance Clusters and not the 463 3-digit ZIP Code areas covered by EXFC.

For the reasons stated, I move to compel responses to the referenced interrogatory since it is reasonably calculated to lead to the discovery of admissible evidence.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

David B. Popkin July 5, 2006
