

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE TO  
INTERROGATORIES OF DAVID B. POPKIN TO  
THE UNITED STATES POSTAL SERVICE  
(DBP/USPS-467, 472, and 473)  
(August 17, 2006)

The United States Postal Service hereby objects to interrogatories DBP/USPS-467, 472, and 473, filed by David B. Popkin on August 7, 2006. The interrogatories read as follows:

**DBP/USPS-467** Please refer to your response to Interrogatory DBP/USPS-124.

[a] Under the present procedures please confirm, or explain if you are unable to confirm, that mailpieces that are insured for \$50 or less will be marked with an oval marking with the word INSURED contained in it.

[b] How does the mailer obtain this marking for mailpieces that are not mailed over a retail window?

**DBP/USPS-472** Please refer to your response to Interrogatory DBP/USPS-124. It is proposed in this Docket to change the necessity of obtaining the addressee's signature from parcels insured for \$50.01 or more to those insured for \$200.01 or more. Please indicate how it is proposed under the proposed regulations to mark each of the mailpieces that are presented in any authorized manner and for any authorized value of insurance. Please provide copies of the marking.

**DBP/USPS-473** Please refer to your response to Interrogatory DBP/USPS-124. It is proposed in this Docket to obtain a delivery scan for all mailpieces insured for \$200 or less.

[a] Since this will now require an identifying number and barcode for mailpieces insured for \$50 or less, will it now be possible to obtain a return receipt for this type of mailpiece?

[b] If not, why not?

### **DBP/USPS-467, 472, and 473 – Improper Follow-Up**

The Postal Service objects to DBP/USPS-467, 472, and 473 because these interrogatories constitute improper follow-up. In order to be valid follow-up, interrogatories must satisfy the requirements of Rule 26(a). In interpreting follow-up discovery under Rule 26(a), the Presiding Officer has stated:

To decide whether interrogatories can reasonably be deemed follow-up, one must look at the original question and answer and then determine whether the new question is a logical next step in consideration of the issue.

See P.O. Ruling No. R90-1/56 at 2. Here, these three interrogatories seek additional details that are not a logical next step in consideration of DBP/USPS-124 or the responses. Mr. Popkin appears to be attempting to probe further into tangential issues under the guise of “follow-up interrogatories” simply by referring to an earlier response that only indirectly relates to the details covered by Mr. Popkin’s purported follow-up. Specifically, DBP/USPS-472 and 473 would more logically follow from reading witness Mitchum’s testimony on planned changes (USPS-T-40 at pages 24-25) than from what is contained in DBP/USPS-124 or its response. Thus, these interrogatories should have been posed during the period for discovery on the Postal Service’s direct case. Therefore, the Postal Service objects to these three interrogatories because they constitute improper follow-up.

### **DBP/USPS-467 and 472**

In addition, interrogatories DBP/USPS-467 and 472 seek a level of detail regarding insured mail beyond what is relevant to an omnibus rate proceeding. The Postal Service fails to see how providing details about the markings placed on insured

mail pieces, or providing copies of the markings themselves, is relevant to an effort to establish nationwide postal rates and fees. It appears as if Mr. Popkin is simply requesting information on these markings in order to satisfy his personal interest in the smallest details of the Postal Service's operations. As the Presiding Officer stated in Docket No. R2001-1:

[M]atters of purely personal interest or concerning purely local conditions are often not relevant in an omnibus proceeding, and are therefore objectionable on that basis. Mr. Popkin has not shown sufficient nexus between the detail he requests, and the development of relevant evidence to warrant compelling answers.

P.O.R. No. R2000-1/56 at 5. Because there is no clear nexus between the detailed information sought here and any relevant issues in the instant docket, the Postal Service objects to the above-referenced interrogatories on the grounds of relevance.

For the aforementioned reasons, the Postal Service objects to interrogatories DBP/USPS-467, 472, and 473.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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