

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 (DBP/USPS-522-524(a))  
(August 24, 2006)

The United States Postal Service hereby objects to interrogatories DBP/USPS-522, 523, and 524(a), filed on August 14, 2006. The interrogatories will be considered in turn:

**DBP/USPS-522**

This interrogatory reads as follows:

**DBP/USPS-522** Please refer to your response to Interrogatory DBP/USPS-380. The following Interrogatory relates to Express Mail that is entered in the system at a post office that is on the Guam side of the International Dateline and is destined to addressees that are on the 48-states side of the International Dateline. The effects of Sundays or holidays should not be considered. For purposes of this Interrogatory, please define the term "calendar date" as the date that will appear on a calendar at the particular location being considered and the term "physical day[s]" as the number of physical days that pass from the day the mailpiece is entered in the system to the day that the mailpiece is delivered [For example, if an Express Mail article is mailed on a calendar day of Monday in Guam, the calendar day in Honolulu at that time of mailing will be Sunday and the overnight physical day to delivery would have the article delivered in Honolulu on a calendar day of Monday after the passage of one physical day].

[a] For Express Mail that crosses the International Dateline, does the term "Next" or "2nd" under Day of Delivery refer to calendar days or physical days?

[b] Does the "Scheduled Date of Delivery" show the calendar date at the delivery location or does it take the effects of the International Dateline?

[c] For Express Mail deposited in Guam and other locations on that side of the International Dateline and destined for delivery across the International Dateline, are there any locations that will be guaranteed delivery on the next physical date?

[d] If so, provide a general indication of the places that will receive this level of service.

[e] Will all other areas on the 48-states side of the International Dateline receive a guaranteed delivery on the second physical day or will some areas receive a guaranteed delivery on the third physical day?

[f] If some areas receive a guaranteed delivery on the third physical day after mailing, please provide a general indication of the places that will receive this level of service.

[g] Please confirm, or explain if you are unable to confirm, that delivery on the third physical date, even though it is still only two calendar days later does not meet the service standards of overnight or 2-day delivery [assume no effect of Sunday or holiday delivery].

The Postal Service objects to this interrogatory on the grounds of relevance. The detailed questions posed here relating to Express Mail service from origins across the International Dateline, including Guam, are not relevant to this proceeding in general or to the § 3622(b)(2) "value of service" of Express Mail in particular. The Postal Service also objects to part (g) as being argumentative, in addition to its fundamental irrelevance.

### **DBP/USPS-523**

This interrogatory reads as follows:

**DBP/USPS-523** Please refer to your response to Interrogatory DBP/USPS-382 subpart b [incorrectly shown as subpart c on the response]. If one adds the implied statement to the Interrogatory of "and receive the guaranteed delivery standards that are established for mail deposited that day" at the end of the Interrogatory it would indicate the intent of the original Interrogatory for which a response is desired.

In other words, is an office is permitted to establish a cut-off time prior to the opening of the retail service window hours - such as a cut-off time at 7 AM and the window doesn't open until 8 AM and therefore making it impossible for a mailer to enter an Express mailpiece over the retail window in a manner that will achieve the delivery standards for mail deposited that date.

The Postal Service objects to this interrogatory on the grounds of timeliness and improper follow-up. This interrogatory purports to follow-up on the Postal Service's response to interrogatory DBP/USPS-382(b), and by extension

its response to interrogatory DBP/USPS-166(b). Those interrogatories queried the Postal Service as to the “deposit” of Express Mail. This interrogatory, however, seeks a response to a completely different question: that is, the ability of a particular acceptance unit to set a cut-off time prior to its retail window service hours, and the effect of such a cut-off time on the available service commitments. This is an entirely new inquiry, and thus does not qualify as a follow-up interrogatory under Rule 26(a). This interrogatory is therefore untimely.

**DBP/USPS-524(a)**

This interrogatory reads as follows in its entirety:

**DBP/USPS-524** Please refer to your response to Interrogatory DBP/USPS-167. This follow-up Interrogatory is being filed today [since it must be filed within 7 days] without prejudice to my Motion to Compel a full response to the original Interrogatory. Your response indicates that I should refer to the response to Interrogatory DBP/USPS-127 filed in Docket R2005-1 as follows:

DBP/USPS-127. Please refer to your response to DBP/USPS-88.

(a) Please confirm, or explain if you are unable to confirm, that the data provided in response to Interrogatory DBP/USPS-65 subpart d in Docket R2001-1 is still correct for the 20 referenced offices.

(b) Please provide an estimate as to the number of additional post offices that would be added to the listing if a complete study was made.

(c) Since most of the offices appear to be in Alaska, has the District Manager of the Alaska District been queried as to the offices in his District that do not have 6-day a week mail service? If not, why not? If so, what was the response?

RESPONSE:

(a) The data is still correct for 15 of the 20 offices cited. The offices of Chitina, Chignik, Chignik Lagoon, Eagle, and King Cove are currently receiving shipments of Express Mail six days per week.

(b) As noted in the response to DBP/USPS-88, a complete study would produce list that is substantially similar in both size and scope to the one provided in response to DBP/USPS-65(d) in Docket No. R2001-1. A quantitative estimate by which the number of offices on that list would increase (or decrease) cannot be provided because no complete study has been undertaken.

(c) The District Manager has been queried and responds that the service being provided is a longstanding traditional service to very unique and remote areas that are experiencing no growth whatsoever, that an appropriate level of service is being provided, and that there are no initiatives under consideration to change the present level of service.

[a] Please refer to the response to subpart c of Docket R2005-1 Interrogatory and provide a response from the District Manager of the Alaska District showing which offices in his District that do not have 6-day a week mail service. The response that was originally made did not respond to the request that was made but attempted to explain and justify why there are offices that do not have 6-day a week mail service.

[b] The response to Interrogatory DBP/USPS-380 appears to indicate that there are some instances where there are excessive distances [or lack of transportation] to meet the guaranteed delivery standards. Please explain.

The Postal Service objects to part (a) of this interrogatory on the grounds of relevance, burden, and improper follow-up. Part (a) requests an updated listing of those post offices in Alaska that do not have six-day-a-week delivery of Express Mail. Such information is not relevant to this proceeding, and would therefore not provide a material contribution to the record (which would also be clearly outweighed by the burden of responding). Instead, the Postal Service's response to DBP/USPS-167, filed on August 8, 2006, clearly provides more than sufficient information to Mr. Popkin with respect to this issue.

In addition, this interrogatory does not constitute proper follow-up to the Postal Service's response to interrogatory DBP/USPS-167. In that response, the Postal Service stated that any updated listing of offices without six-day-a-week delivery of Express Mail would be substantially identical to the information provided on the record in Docket No. R2005-1 (and, by extension, Docket No. R2001-1). Providing the information requested by Mr. Popkin here would in no way clarify or add to his understanding of the information provided by the Postal Service in Docket No. R2005-1. As such, this interrogatory is not proper follow-up.

Therefore, the Postal Service objects to the above-referenced interrogatories.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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