

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
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Postal Rate and Fee Changes, 2006]

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DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES
DBP/USPS-451 THROUGH 453.

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

August 28, 2006

Respectfully submitted,

R20061MTC21A451453

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

On August 3, 2006, I submitted Interrogatories DBP/USPS-451 THROUGH 453. On August 14, 2006, the Postal Service filed an objection to these interrogatories.

The interrogatories read as follows:

DBP/USPS-451 Please refer to your response to Interrogatory DBP/USPS-279 subparts b through e.

[a] Please confirm, or explain if you are unable to confirm, that the last sentence of your response means that if a given post office on the west coast has two separate cut-off times, namely, 2 PM for coverage to most of the 50 states and 5 PM for areas on the west coast only, that it will be permissible to have an Express Mail collection box with a single collection time of 4 PM which will arrive back at the post office too late for a guarantee to the 50 state area but in time for a guarantee to the west coast only [the 5 PM cut-off guarantee].

[b] If subpart a above is confirmed, please confirm, or explain if you are unable to confirm, that Express Mail destined for the east coast will be delayed a day if deposited in the collection box.

[c] Please explain why this scenario is an acceptable one, in other words, why isn't an earlier collection mandated to allow for processing to the area covered by the 2 PM cut-off time?

DBP/USPS-452 Please refer to your response to Interrogatory DBP/USPS-279 subparts b through e.

[a] Please explain the apparent conflict between your response to the original Interrogatory which states that Express Mail receives a service commitment based on the deposit date and DMM Section 116.1.1.b which states that Express Mail deposited in an Express Mail collection

box will have a time and date of mailing of the time that the mail was brought to the Express Mail acceptance unit.

[b] Please confirm, or explain if you are unable to confirm, that DMM Section 116.1.1.b states, in effect, that the Postal Service will not accept any responsibility for Express Mail deposited in an Express Mail collection box, handed to delivery and collection employees during their normal delivery and collection duties, or picked up by USPS pickup service until the mail actually is brought back to the Express Mail acceptance unit and that in some large cities the mail may not arrive there until well into the evening and miss the dispatches of value. Furthermore, any delays or errors between the time the mail is or is supposed to be collected and the time it is actually turned over to the Express Mail acceptance unit are at the risk of the mailer.

[c] Please explain the rationale for DMM Section 116,1,1,b with respect mail deposited in an Express Mail collection box.

[d] Please explain the rationale for DMM Section 116,1,1,b with respect mail that is handed to delivery and collection employees during their normal delivery and collection duties.

[e] Please explain the rationale for DMM Section 116,1,1,b with respect mail that is picked up or is scheduled to be picked up [a missed or delayed appointment] by USPS pickup service.

DBP/USPS-453 Please refer to your response to Interrogatory DBP/USPS-279 subpart f. Your response stated that the retail computers will allow the acceptance associate to roll back the mailpiece's acceptance time to the collection box tap time.

[a] Is this a requirement rather than an option to do so?

[b] If not, why not?

[c] Is a similar roll back appropriate for Express Mail deposited at a retail service window a minute or two after the cut-off time by a customer that was waiting on line and/or a delay by the retail window clerk in processing the mailpiece?

[d] If not, why not?

The Postal Service objects to all of these interrogatories on the grounds of relevance, as they all seek operational details about Express Mail service, particularly as it relates to Express Mail collection boxes, that are immaterial to this proceeding. In addition, the Postal Service also objects to interrogatory DBP/USPS-452 on the grounds of lack of timeliness. DBP/USPS-452 does not constitute proper follow-up of the Postal Service's response to DBP/USPS-279(b)-(e), but instead seeks to delve into new topics with respect to the meaning of a DMM section that does not in any way conflict with the Postal Service's response to that earlier interrogatory.

All three of these Interrogatories follow-up on Interrogatory DBP/USPS-279 as follows:

DBP/USPS-279.

[a] Please advise how the time[s] are selected for collecting an Express Mail collection box.

[b] Must the time[s] be selected so that the mail will arrive back at the post office

at such time as to be able to meet all of the service guarantees for the earliest cut-off time of the day at the retail service window?

[c] If not, why not?

[d] If an article is mailed prior to the collection time at the blue Express Mail collection box will it receive the same service guarantee as it would have if it was mailed at the retail service window prior to the earliest cut-off time of the day?

[e] If not, why not?

[f] Please explain how the postal clerk who is entering in an Express Mail article that was collected from a collection box will determine the proper service guarantee if it is already after the cut-off time by time the article is brought back to the post office and processed [i.e. the computer is now advanced to the point that the article was mailed after the cut-off time].

RESPONSE:

(a) Collection schedules are set so as to provide the latest possible collection consistent with local acceptance and dispatch capabilities.

(b) – (e) The collection time for an Express Mail collection box does not necessarily correspond to the cut-off times for window service operations. The locations and collection schedules for Express Mail collection boxes are set by the field in a manner consistent with the response to part (a), and should assure that the Express Mail dropped in those boxes before the last scheduled collection receives a service commitment based on the deposit date. That commitment, however, may not correspond to the earliest commitment available for that date.

(f) The retail computers (POS ONE and IRTs) allow the acceptance associate to roll back the mailpiece's acceptance time to the collection box tap time.

The Postal Service states that just because these Interrogatories relate to operational details they are automatically immaterial to this proceeding. Operational details are an integral part of the value of service.

Interrogatory DBP/USPS-451 is attempting to clarify the last sentence of the response to subparts b through e of Interrogatory DBP/USPS-279. The question involves whether, if a given office has two separate cut-off times for Express Mail, must there be a collection in order to reach the area covered by the earlier cut-off time? Express Mail collection boxes are one of the main methods by which Express Mail may be deposited and whether a customer will have access to the full network or a limited network is a key difference.

Interrogatory DBP/USPS-452 is attempting to clarify the apparent inconsistency between the response that was provided to Interrogatory DBP/USPS-279 which stated that the retail computers (POS ONE and IRTs) allow the acceptance associate to roll back the mailpiece's acceptance time to the collection box tap time and the provisions DMM Section 116.1.1.b which states, in effect, that the Postal Service will not accept any responsibility for Express Mail deposited in an Express Mail collection box, handed to delivery and collection employees

during their normal delivery and collection duties, or picked up by USPS pickup service until the mail actually is brought back to the Express Mail acceptance unit.

This apparent inconsistency between the Interrogatory response and the provisions of the DMM must not be allowed to remain unanswered. The resolution of a relevant response is relevant.

Since the provisions of the DMM appear to conflict with the response, it is appropriate follow-up to determine the rationale of the DMM section as it relates to the original Interrogatory response.

Interrogatory DBP/USPS-453 is attempting to clarify the statement which was made in response to the original Interrogatory which stated that the retail computers (POS ONE and IRTs) allow the acceptance associate to roll back the mailpiece's acceptance time to the collection box tap time. Whether that sentence means that the acceptance associate is allowed to roll back the acceptance time or is required to roll back the mailpiece's acceptance time to the collection box tap time is of significant concern and therefore relevant.

For the reasons stated, I move to compel response to the referenced interrogatories 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 August 28, 2006
