

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

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO
DAVID B. POPKIN MOTION TO COMPEL RESPONSE
TO INTERROGATORY DBP/USPS-479
(September 1, 2006)

The United States Postal Service hereby opposes David B. Popkin's motion to compel a response to interrogatory DBP/USPS-479, filed on August 28, 2006. The interrogatory reads as follows:

DBP/USPS-479 Please refer to your response to Interrogatory DBP/USPS-171.

[a] Please advise the validity of Special Delivery stamps since that service is no longer available, with either domestic or international mail.

[b] What use may a mailer who possesses Special Delivery stamps make of them?

This interrogatory is virtually identical to DBP/USPS-385, specifically subparts (d) and (e), which the Postal Service objected to in its entirety on August 3, 2006, on the grounds of relevance, materiality, and improper follow-up. That interrogatory reads as follows:

DBP/USPS-385 Please refer to your response to Interrogatory DBP/USPS-171.

[a] Please refer to DMM Section 604.1.2 and 604.1.3 and reanswer the original Interrogatory.

[b] May special handling and/or Certified Mail stamps be utilized to pay part or all of the fee for the special service [as opposed to paying the postage on the underlying mailpiece]?

[c] If not, please explain.

[d] Please confirm, or explain if you are unable to confirm, that special delivery no longer exists as a service.

[e] Please advise what refund is available to a person who has special delivery stamps that may no longer be used and if your response to subpart b above is no has special handling and/or Certified Mail stamps that may no longer be used.

Mr. Popkin filed a motion to compel a response to DBP/USPS-385 on August 15, 2006, and the Postal Service filed an opposition to Mr. Popkin's motion to compel on August 22, 2006. The Postal Service's objection and opposition to Mr. Popkin's motion to compel both cite a Presiding Officer's Ruling from Docket No. R97-1, which states that issues related to special stamps for various services lack relevance to an omnibus rate case. See P.O.R. No. R97-1/53 at 8.

After the Postal Service had already objected to DBP/USPS-385, Mr. Popkin filed DBP/USPS-479. The Postal Service did not file an objection or respond to DBP/USPS-479 because it covers the same substantive material that the Postal Service considers irrelevant to the instant docket, and because hearings were more of the focus at that time. Because a ruling has yet to be issued regarding DBP/USPS-385, which in the Postal Service's view would obviate the need to provide a response to DBP/USPS-479, the Postal Service incorporates its objection to DBP/USPS-385 into this opposition to Mr. Popkin's motion to compel. The requested information in DBP/USPS-479 is not relevant to an omnibus rate case, as the Commission determined in P.O.R. No. R97-1/53 at 8. Therefore, the Postal Service opposes Mr. Popkin's motion to compel a response to the above-listed interrogatory.

Finally, should a ruling be issued in the near future denying Mr. Popkin's motion to compel a response to DBP/USPS-385, the Postal Service respectfully requests that

Mr. Popkin's motion to compel a response to DBP/USPS-479 be concurrently declared moot.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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