

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes

Docket No. R2006-1

PRESIDING OFFICER'S RULING  
CONCERNING MOTION TO COMPEL RESPONSES TO  
INTERROGATORIES DBP/USPS-253, 254, 535, 571, 572, and 673

(Issued November 1, 2006)

On October 13, 2006, David B. Popkin filed a motion to compel responses to interrogatories DBP/USPS-253, 254, 535, 571, 572, and 673.<sup>1</sup>

At the time this Motion was filed, the Postal Service had not provided responses within the established timeframes. Subsequently, the Postal Service provided responses to DBP/USPS-253 and 254.<sup>2</sup> In its responses, the Postal Service indicates either that it has no empirical basis for providing the requested estimates, or that the information is unknown. Mr. Popkin followed up on the Postal Service responses by filing another motion to compel arguing that it should not be burdensome for the Postal Service to develop estimates.<sup>3</sup>

In Presiding Officer's Ruling No. R2006-1/63, compelling the Postal Service to respond to these interrogatories, the possibility that the Postal Service might not be able to provide responses was recognized. The Postal Service appears to have provided

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<sup>1</sup> David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-253 / 254 / 535 / 571 / 572 / 673, October 13, 2006 (Motion).

<sup>2</sup> Compelled Responses of the United States Postal Service to Interrogatories of David Popkin (DBP/USPS-253 and 254), October 17, 2006.

<sup>3</sup> David B. Popkin Motion to Compel Responses to Interrogatories DBP/USPS-253 and 254 and to File a Motion for Late Acceptance of the Response, October 18, 2006. The Postal Service is reminded that all late filed responses should be accompanied by an appropriate motion for late acceptance.

responses to the best of its ability. The motion to compel further responses to interrogatories DBP/USPS-253 and 254 is denied.

The Postal Service has not provided objections, nor has Mr. Popkin provided support for requiring the Postal Service to provide responses (other than noting the failure to provide any response), to interrogatories DBP/USPS-535, 571, 572, and 673.

**DBP/USPS-535**

Please refer to your response to Interrogatory DBP/USPS-317.

- [a] Please confirm, or explain if you are unable to confirm, that the mystery shopper reports indicate the time that the shopper had to wait for retail window service.
- [b] Please indicate why it would not be possible to evaluate a significant number of these reports in the period before the last rate increase, after the last rate increase, and a representative time period not associated with the rate increase to obtain a response to the original interrogatory.

Interrogatory DBP/USPS-535 appears to be appropriate follow-up to clarify the response to DBP/USPS-317. The Postal Service shall provide a response to DBP/USPS-535 by November 8, 2006.

**DBP/USPS-571**

Please refer to your response to Interrogatory DBP/USPS-462. Please advise whether the failure to include Delivery Confirmation and/or Signature Confirmation and/or Collect on Delivery Mail in your response to Interrogatory DBP/USPS-121 subparts b and c is because these three categories are not considered to be Accountable Mail or because they are not trackable on the Internet or and/or by telephone or both.

Interrogatory DBP/USPS-571 appears to be appropriate follow-up to clarify the responses to DBP/USPS-121 and 462. The Postal Service shall provide a response to DBP/USPS-571 by November 8, 2006.

**DBP/USPS-572**

Please refer to your response to Interrogatory DBP/USPS-471.

- [a] Please explain why Insured Mail is not included in the categories that are shown in the second column of PS Form 3867.
- [b] Since in the past, Insured Mail parcels were not accounted for in this manner, please advise when the change was made and the reasons for now including Insured Mail in this procedure.

Interrogatory DBP/USPS-572 does not appear to be appropriate follow-up to interrogatory DBP/USPS-471. The Response to DBP/USPS-471 states that no form is used when the piece is given to the delivery carrier (other than Form 3849 discussed in the response to DBP/USPS-124(e)). Interrogatory DBP/USPS-572 asks a new question about yet another unrelated form, PS Form 3867. The motion to compel a response with respect to DBP/USPS-572 is denied.

**DBP/USPS-673**

Please refer to your response to Interrogatory DBP/USPS-285. Please advise specifically if there are any plans to expand or reduce the number of Automated Postal Centers [APCs] in service.

Interrogatory DBP/USPS-285(e) asks the Postal Service to discuss any plans to expand or reduce the number of APCs in service. The Postal Service responded, in part, that it “plans to continue improving access to prompt, reliable and efficient services, and is constantly evaluating its efforts to do so.” The Postal Service response indicates it is constantly evaluating the number of APCs, but it does not indicate whether additions or subtractions have been approved. The motion to compel a response with respect to DBP/USPS-673 is granted.

## RULING

1. The David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-253 / 254 / 535 / 571 / 572 / 673, filed October 13, 2006, is moot with respect to DBP/USPS-253 and 254; granted with respect to interrogatories DBP/USPS-535, 571 and 673; and denied with respect to interrogatory DBP/USPS-572. A response to interrogatories DBP/USPS-535, 571 and 673 shall be provided by November 8, 2006.
2. The David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-253 and 254 and to File a Motion for Late Acceptance of the Response, filed October 18, 2006, is denied.

George Omas  
Presiding Officer