

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

POSTAL RATE AND FEE CHANGES  
PURSUANT TO PUBLIC LAW 108-18

Docket No. R2005-1

RESPONSE OF THE UNITED STATES POSTAL SERVICE  
TO DAVID B. POPKIN REQUEST FOR PRODUCTION  
(DBP/USPS-103(b)-(d))  
(July 13, 2005)

The United States Postal Service hereby provides its institutional response to DBP/USPS-103(b)-(d). These requests for production were the subject of a Postal Service objection on June 10, 2005, and a motion to compel by Mr. Popkin on June 20, 2005. The Postal Service objected to these requests for production on the grounds of commercial sensitivity and relevance, noting that Mr. Popkin's request for "directives and guidelines" from the Express Mail Change Control Board (EMCCB) regarding the provision of Sunday/holiday delivery, Next Day Express Mail service, and the scheduled time of delivery sought "documents that involve the approval or rejection of individual alterations to the operational minutiae of the Express Mail network, and are thus part of highly fact-specific analyses of that network at the level of individual 5-digit ZIP Codes or individual facilities."<sup>1</sup>

In his motion to compel, Mr. Popkin altered the scope of his request, arguing that he sought "national guidelines" to the field rather than documents involved in the evaluation of requests by individual offices to make a change to the Express Mail

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<sup>1</sup> See Objection of the United States Postal Service to David B. Popkin Request for Production (DBP/USPS-103(b)-(d)).

network at the local level.<sup>2</sup> In Presiding Officer's Ruling No. R2005-1/43, issued on July 8, 2005, the Presiding Officer ruled that to the extent non-EMCCB "directives or guidelines" exist concerning these three topics, the Postal Service should either provide them or provide an objection to their provision; on the other hand, the Presiding Officer ruled that to the extent such "directives or guidelines" do not exist, then the Postal Service should provide a response so indicating. Pursuant to that Ruling, the Postal Service today provides the following response, indicating that "[t]here are no 'directives or guidelines' issued by Headquarters to the field, outside of the EMCCB process, concerning the provision of Sunday/holiday delivery, regular overnight service, or service by Noon or 3 PM."

DBP/USPS-103(b)-(d) is stated verbatim and is followed by the response.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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<sup>2</sup> See David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-88, 90, 103, 129, 145, AND 147 (June 20, 2005), at 4.

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- DBP/USPS-103.** Please refer to your response to DBP/USPS-49 subparts e and f.
- (b) Please provide copies of any directives, guidelines, etc. of the Headquarters EMCCB as they relate to providing or not providing service on Sunday/holiday.
  - (c) Please provide copies of any directives, guidelines, etc. of the Headquarters EMCCB as they relate to providing or not providing regular overnight service.
  - (d) Please provide copies of any directives, guidelines, etc. of the Headquarters EMCCB as they relate to providing service by 12 noon vs. 3 PM at an office.

**RESPONSE:**

This response is provided pursuant to Presiding Officer's Ruling No. R2005-1/43.

(b)-(d) There are no "directives or guidelines" issued by Headquarters to the field, outside of the EMCCB process, concerning the provision of Sunday/holiday delivery, regular overnight service, or service by Noon or 3 PM. Instead, Headquarters relies on field managers to maintain an in-depth awareness of their respective markets, and to thereby provide an appropriate level of Express Mail service. Thus, Headquarters relies on field managers to determine whether to provide Sunday/holiday delivery, regular overnight service, or service by Noon or 3 PM, with oversight provided by the EMCCB.