

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

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

OBJECTIONS OF THE UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OF DAVID POPKIN
(DBP/USPS-694 THROUGH 696)

The United States Postal Service hereby objects to the following interrogatories filed on October 18, 2006: DBP/USPS-694 through 696.

DBP/USPS-694

This interrogatory focuses on approximately 40 3-digit ZIP Code origin-destination pairs in the postal network that were the subject of review in 1990-91,¹ in accordance with service standard change criteria litigated in Docket No. N89-1.² Based on those criteria, the question seeks to review the basis for decisions made at least 15 years ago that resulted in 2-day First-Class Mail service standards being established for these particular origin-destination pairs.

Such information is irrelevant and immaterial to the issues in the current omnibus rate and classification proceeding. For purposes of argument, the Postal Service assumes that all 40 or more of the 3-digit ZIP Code pairs implied by DBP/USPS-694 currently have 2-day service standards, as implied by DBP/USPS-694(a). The Postal Service also assumes, *arguendo*, that many or all also have dock-to-dock surface transit times of 3 hours or less, as implied by

¹ See, Docket No. C2001-3, Declaration of Charles M. Gannon On Behalf Of United States Postal Service, at 4 (July 30, 2001).

² See, Docket No. N89-1, USPS-T-2, Appendix A at 7-8.

DBP/USPS-694(b), and that some of the destinations may receive 1.5 percent of the origin's volume, as implied by DBP/USPS-694(c). However, there is no issue in Docket No. R2006-1 -- an omnibus rate and classification proceeding -- to which it is relevant whether the Postal Service could have used its discretion in 1990-91 to consider establishing any of the 3-digit origin-destinations implied by DBP/USPS-694 as First-Class Mail overnight zones instead of 2-day zones.

The Commission should not tolerate discovery in Docket No. R2006-1 being used as a vehicle for accommodating Mr. Popkin's belated interest in the implications of Docket Nos. N89-1 and C2001-3. Had there been some change in the application of current service standard definitions since Docket No. R2005-1 affecting a material number of 3-digit ZIP Code origin-destination pairs, an issue arguably relevant to the § 3622(b)(2) "value of service" of First-Class Mail might have arisen in Docket No. R2006-1. However, it cannot reasonably be argued that an inquiry seeking to review the establishment of 2-day service standards for each of approximately 40 (out of 850,000) origin-destination pairs *in 1990-91* (a) concerns a substantially systemwide matter, or (b) that it is relevant to the issue of "value of service" in the context of the current docket. Neither an aggregate nor a case-by-case review of the 1990-91 decision-making that led to the establishment of currently applicable service standards to these 40 or so origin-destination pairs has any relation to whether any postal rates implemented in 2005 should be changed in 2007. To the extent that he seeks to link interrogatories DBP/USPS-694 to postal ratemaking, Mr. Popkin's current line of inquiry is at least five omnibus rate proceedings late.

Moreover, irrelevance aside, the Postal Service no longer maintains records documenting each of the thousands of ZIP Code pair service standard determinations made in 1990-91. Accordingly, the Postal Service has no basis for confirming which of the approximately 40 identified 2-day ZIP Code pairs may have been considered for overnight service and/or what the basis may have been for not making any of them overnight, as requested by DBP/USPS-694(d&e).

Finally, the Postal Service objects to DBP/USPS-694(b) as unduly burdensome. It would take several hours to examine the transportation links between each individual 3-digit ZIP Code pair to determine whether a 3-hour dock-to-dock drive time was feasible. For the reasons explained above, expending 100+ workhours to conduct such analysis for approximately 40 origin-destination pairs, as requested by DBP/USPS-694(b), would not yield any information relevant or material to any issue in the current docket. Accordingly, the Postal Service should not be directed to squander the time and resources that would be consumed by such a wasteful undertaking.

DBP/USPS-695

Nor should the Postal Service be required to undertake the more expansive task of performing the same analysis for the entire mail processing network, for the purpose of providing a further response to DBP/USPS-253, as requested by DBP/USPS-695. In its response to DBP/USPS-253, the Postal Service explained why it is unreasonable to expect it to perform the 1000+ hours of work to produce the requested guesstimates of the percentage of processing

facilities that provide overnight First-Class Mail service to all destinations for which that level of service could be considered. Mr. Popkin may not find this response satisfactory, but the Postal Service has fully responded to DBP/USPS-253. No matter how many times Mr. Popkin asks the same question, he will get the same answer.

DBP/USPS-696

This question re-asks DBP/USPS-254, to which the Postal Service also has fully responded. In order to answer DBP/USPS-254 to Mr. Popkin's satisfaction, the Postal Service would have to undertake the exhaustive systemwide analysis described in its objections to DBP/USPS-253 and 254, and in its response to DBP/USPS-253. The goal of such an exercise would be to determine whether -- among the over 850,000 3-digit ZIP Code pairs -- there are more or fewer cases of deviations in the implementation of the First-Class Mail overnight/-2-day service standard definitions than in the implementation of the 2-day/3-day service standard definitions. The irrelevance and immateriality of this line of inquiry aside, the Postal Service has repeatedly explained the extent of the extraordinary burden that would have to be assumed to answer the question. That explanation provides the foundation for its response to DBP/USPS-254. As with DBP/USPS-695, DBP/USPS-696 has been asked and answered.

At this time, it seems fair to view Mr. Popkin's renewal of DBP/USPS-253 and 254, via DBP/USPS-695 and 696, respectively, as an attempt to vex and harass the Postal Service until the discovery deadline finally and mercifully arrives. It should not be tolerated.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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