

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

SPECIAL SERVICES FEES AND CLASSIFICATION]

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OFFICE OF THE SECRETARY  
DOCKET NO. MC96-3

MOTION TO COMPEL COMPLIANCE WITH RULE 25[E]

1. Rule 25[e] of the Commission's Rules of Practice and Procedure requires, in part, for a participant who has answered interrogatories to seasonably amend a prior answer if information is received which indicates that the answer is no longer true. The Federal Register for October 23, 1996 [61 FR 55053] and the Postal Bulletin for October 24, 1996 indicate that, effective August 1, 1996, a number of sections of the Domestic Mail Manual Transition Book ["DMMT"] have been deleted or transferred [primarily to Issue 7 of the Postal Operations Manual]. In numerous responses to interrogatories, witnesses have made reference to various sections of the DMMT. The sections that have been referenced are no longer valid citations since they have been deleted or referenced to a different section of a different manual.

2. In the spirit of cooperation, an effort was made to ask that the Postal Service evaluate both the changes in section numbers utilized as well as confirming that the wording and import of the new section number was the same as the original DMMT reference. An informal telephonic request was made on December 2, 1996 to Attorney David Rubin who agreed that he would evaluate my request and advise me on December 9, 1996. On December 9, 1996, Attorney Kenneth Hollies left me a message and in telephone conversation on December 10, 1996, he indicated that the Postal Service would only be filing a copy of the Federal Register notice and would not be making any evaluation with respect to potential changes in the wording.

3. This offer by the Postal Service to only file the Federal Register notice is not satisfactory. It was pointed out to both attorneys that there was at least one change in the transfer of section numbers and manuals where there was a change in wording as well as meaning.

4. Since the change in section numbers and manuals was instituted by the Postal Service and since there is at least one DMMT reference which was changed in its conversion to the POM, I am

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submitting this motion to compel the Postal Service to comply with Rule 25[e] and not only provide the new section numbers but also evaluate each of the changes to ensure that the original answer previously provided is still completely true and relevant in those instances where there has been a change in wording. If there has been no change in wording, then the Postal Service should so state. The obligation to do this evaluation falls on the Postal Service and not the participants since it was the Postal Service's witness who utilized the DMMT reference. This evaluation is necessary to ensure that the record will be true and complete.

Respectfully submitted,

  
David B. Popkin, PO Box 528, Englewood, NJ 07631-0528 / December 11, 1996

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#### MOTION TO COMPEL CORRECTIONS TO TESTIMONY

1. In as much as there were references made to sections of the Domestic Mail Manual Transition Book ["DMMT"] during the oral cross examination of the Postal Service's witnesses held September 9-11, 1996, the same request was made to the Postal Service to update both the section numbers and conduct an evaluation to determine whether the answers provided at the hearing are still true and valid in all respects.

2. In a similar manner as requested in my Motion to Compel Compliance with Rule 25[e] filed concurrently with this motion and for similar reasons, I move to compel the Postal Service to evaluate all testimony which has made references to obsolete DMMT sections to determine not only the new sections but also whether the original answer previously provided is still completely true and relevant in those instances where there has been a change in wording in the new section.

Respectfully submitted,

  
David B. Popkin, PO Box 528, Englewood, NJ 07631-0528 / December 11, 1996

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MOTION TO PERMIT WRITTEN INTERROGATORIES TO POSTAL SERVICE REBUTTAL  
TESTIMONY

1. On December 6, 1996, the Postal Service filed Rebuttal Testimony in this Docket. Because my location is removed from the Washington DC area, I requested that I be served this rebuttal testimony by Express Mail. This was agreed to although the package was not sent until the following day, December 7, 1996.
2. Since I am located some distance from Washington, DC, it would be difficult to justify a trip to Washington next week to attempt to clarify a few points that I feel are necessary to be done. Based on that, I am requesting permission to submit written interrogatories to the Postal Service's witness[es].

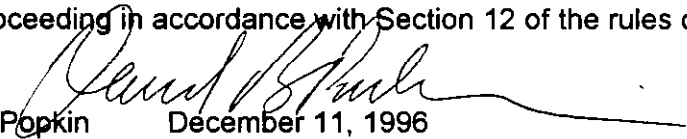
Respectfully submitted,

  
David B. Popkin, PO Box 528, Englewood, NJ 07631-0528 / December 11, 1996

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CERTIFICATE OF SERVICE

I hereby certify that I have this date 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      December 11, 1996