

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

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POSTAL RATE AND FEE CHANGES, 2000

Mar 30 4 43 PM '00
Docket No. R2000-1
POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

**UNITED STATES POSTAL SERVICE OBJECTION
TO INTERROGATORIES DBP/USPS—58**

The Postal Service hereby objects to interrogatory DBP/USPS—58, filed on March 20, 2000. Interrogatory 58 asks various questions about philatelic cards featuring images of Bugs Bunny, a Warner Brothers animated character.

The Postal Service objects to all subparts of this interrogatory on grounds of relevance. The information sought in interrogatory 58 is plainly immaterial to the issues before the Commission. While information about pricing of philatelic cards may be of interest to philatelists or hobbyists, it simply has no bearing on the Commission's evaluation of the classification and pricing criteria of 39 U.S.C. §§ 3622 and 3623. Further, it is abundantly clear that these questions are aimed at relitigating issues that Mr. Popkin raised in his unsuccessful complaint in Docket No. C95-1. In that proceeding, Mr. Popkin challenged, *inter alia*, pricing for collectible cards on grounds that prices for such items violated 18 U.S.C. § 1721. The Commission dismissed the complaint. See PRC Order Nos. 1075 (issued September 11, 1995) and 1088 (issued November 15, 1995). As this issue was clearly settled by the Commission, Order Nos. 1075 and 1088 operate to estop Mr. Popkin from raising this issue again here.

The Postal Service further objects to subpart (aa) on grounds of burden. Subpart (aa) requests that the Postal Service provide a complete listing of all

postal cards sold since 1971 exceeding the price of postage imprinted or impressed on them. This would require an exhaustive review of postal philatelic catalogs, which would consume countless hours of search time, assuming that the Postal Service even had historical records to search for responsive information.

The Postal Service further objects to subparts (r), (w) and (bb) on grounds that these subparts request legal conclusions. Such discovery is clearly outside the scope of permissible discovery as provided by Commission precedent. See P.O. Ruling No. R97-1/39.

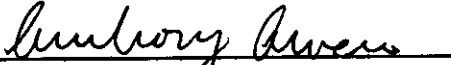
Finally, subparts (a) through (d) of interrogatory 58 are essentially cumulative, as identical questions were asked and answered in Docket No. R97-1. See Response of Witness Needham to Interrogatory DBP/USPS-16, redirected from the Postal Service, Tr. 19E/9898. If Mr. Popkin believes that the record would materially benefit from this information, he could simply move to designate the response from the prior docket in lieu of persisting to waste the Postal Service's precious time and resources over these types of Mickey Mouse inquiries.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



Anthony Alverjo

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