

Before The
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R2000-1

OPPOSITION OF THE UNITED STATES POSTAL SERVICE
TO POPKIN MOTION TO COMPEL FURTHER RESPONSES TO
INTERROGATORIES DBP/USPS-5, 10
(April 10, 2000)

The United States Postal Service hereby opposes the motion of David B. Popkin to compel further responses to interrogatories DBP/USPS-5 and 10. Witness Robinson has already provided adequate responses to these questions.

Mr. Popkin, unsatisfied with the answers provided to subparts [7] and [8] to question 5, concerning various Priority Mail and Express Mail containers, now moves that the information he seeks be provided, regardless of its availability. With respect to subpart [7], the Postal Service provided a response stating that the witness did not have available to her information regarding the weight of the various (empty) containers sought by Mr. Popkin. Mr. Popkin now demands that the witness be compelled to locate examples of every type of container, find a scale, and weigh the items. Mr. Popkin does not explain why he is unable to conduct similar experiments. In any event, given the likelihood that factors unspecified by Mr. Popkin, such as ambient humidity at the time of weighing, may have a significant impact on the results of such experiments, it is unclear whether the conduct of the experiments would be satisfactory to Mr.

Popkin. Absent a showing by Mr. Popkin regarding the relevance of the requested information, and reasons why the Postal Service, rather than Mr. Popkin, should be put to the effort of performing the requested experiments, no reason exists to grant his motion with respect to subpart [7].

With respect to subpart [8], which requests information regarding the prices of the various containers to the Postal Service (in lots of 1000), the Postal Service again provided a response indicating that the information sought is not readily available. Apparently Mr. Popkin expects the Postal Service to conduct an audit of individual invoices for many different types of packaging. While it is uncertain exactly how many hours or weeks of effort this would entail, the burden is certain to be considerable. Furthermore, to reveal the cost information on each invoice could detrimentally affect the Postal Service's future efforts to acquire packaging materials.

Finally, the only reason provided for disclosure is Mr. Popkin's desire "to show the comparison of the weight of the flat rate envelope vs. the weigh of other containers and also be able to compare the cost to the Postal Service to provide non-flat rate containers to the mailing public who were savvy enough to realize they could save 40 cents postage on Priority Mail under one pound." This vague and convoluted assertion regarding the need for the information does not provide a sufficient basis for the Postal Service to create a detailed packaging cost report for Mr. Popkin. The Postal Service has already provided packaging cost information in its filing which is sufficient to determine Priority and Express Mail rates. The additional, burdensome production of sensitive material sought by Mr. Popkin is unnecessary and unjustified.

Mr. Popkin also moves to compel a response to DBP/USPS-10[c]. This interrogatory requests detailed operational specifics regarding the "method that is utilized by the Postal Service to process Priority Mail" for each of 4 scenarios, which vary with respect to whether the origin and/or destination of the mail is in a PMPC area. The Postal Service objected that the operational information sought is at a level of disaggregation such that it bears little relevance to the aggregate Priority Mail costs and revenues at issue in this case, which do not depend on whether particular mail originating from or destinating to a PMPC is handled in a particular way. Mr. Popkin asserts that "this information is needed to evaluate the methods by which the value of service for Priority Mail is determined." He further expresses interest in "evaluating the appropriateness of proposing that Priority Mail be changed to a non-zoned rating system for either the entire weight range or for a greater weights than the present five pounds."

The Postal Service stands behind its objections. Mr. Popkin has not established an adequate connection between the current zoned rate structure and the information he seeks. The current rate structure for Priority Mail does not depend on how much intra-PMPC traffic there is, or other ways in which the still-experimental PMPC network interacts with the Postal Service's operations. Furthermore, the "methods by which the value of service for Priority Mail is determined" have been well established over the years, and do not depend on the information sought. Moreover, the bulk of Priority Mail already pays unzoned rates, further limiting the relevance of Mr. Popkin's inquiry. Finally, contrary to Mr. Popkin's assertions, the Postal Service's response to APMU/USPS-T34-25 did not contain the type of operational detail sought by Mr.

Popkin.

The motion to compel should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

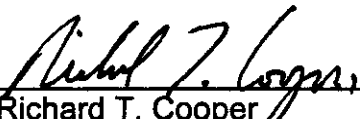
Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking


Richard T. Cooper

475 L'Enfant Plaza West, S.W.
(202) 268-2993; Fax: -5402
Washington, D.C. 20260-1137
April 10, 2000

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.


Richard T. Cooper

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
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