

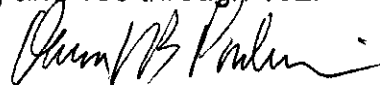
BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

RECEIVED
MAY 3 4 42 PM '00
POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000 DOCKET NO. R2000-1
MOTION TO COMPEL RESPONSES TO DBP/USPS INTERROGATORY DBP/USPS-
158[a/d/j], 170[c-e], 184, and 190 through 192.

May 1, 2000

Respectfully submitted,



DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

1. I wish to file a Motion to Compel responses to Interrogatories that the Postal Service has filed an objection to and to those interrogatories that I feel did not receive a complete and proper response.

2. A response is desired to DBP/USPS-158[d] to show that the Postal Service normally provides the month, day, and year in its cancellations and round daters. The witness has indicated that it is not necessary to show the year on return receipts. My contention is that without the year the value of service is lessened since it is not possible to prove an actual date of delivery. While I certainly know that the year is contained in the cancellation, I wish to have it entered into evidence without having to file my own testimony as to what the Postal Service does.

3. A response is desired to DBP/USPS-158[j] to show that the Postal Service's claim that a mailer may always get a duplicate return receipt to show the correct data when the original return receipt does not show the correct data is a hassle and reduces the value of the return receipt service. This request is not cumulative. The original response was not responsive to my interrogatory. I was not interested in a DMM citation but in the actual mechanics necessary to obtain a duplicate return receipt.

4. A response is desired to DBP/USPS-170[c-e]. While this information could have been asked at any time in the case, the need for it was caused by the Postal Service's

responses to DBP/USPS-75 and therefore is proper follow-up. Subpart c is needed to show that the Postal Service dates mail on Sundays when it is presented over a retail service window. Subparts d and e follow-up on the response to DBP/USPS-75[c] and not to subpart c of DBP/USPS-170[c]. The response to DBP/USPS-75[c] stated, "Although the Postal Service would normally seek to conform its operations to this objective to the extent possible, no such requirement has been identified." My DBP/USPS-170[d] stated, "Please provide a comprehensive listing of those instances where it would not be possible to meet the conditions specified in subpart c." That is certainly appropriate follow-up. DBP/USPS-170[e] follows-up on the response to DBP/USPS-170[d].

5. A response to DBP/USPS-184 is to challenge the response to DBP/USPS-110 which stated that even though a collection box might show a Sunday collection time, a mailer should not expect that the mail would be processed on Sunday. My follow-up interrogatory DBP/USPS-184 attempts to show that the expectation of collection and processing would exist on a weekday [subpart a], a Saturday [subpart b], or a holiday [subpart c] then why not on a Sunday. Subparts d and e attempt to clarify and bring together the response to subparts a through c. Subpart f refers to the requirement of Headquarters directives that would require both collection and processing if a time is shown. Subparts g through i attempt to clarify the response to DBP/USPS-110[b] with respect to information provided at retail window that was open on a Sunday. Accuracy of relevant data is relevant.

6. A response to DBP/USPS-190 is desired to "allow" the Postal Service to correct an incorrect response to DBP/USPS-2. If they object to responding to this effort on my part to "gracefully" correct an incorrect response, then they should be directed to do so as required in the Commission's Rules of Practice.

7. A response to DBP/USPS-191 is desired to follow-up on the numbering system for various special services. The previous responses were not specific in answering

my questions and led to the follow-up in this instance. The Postal Service claims lack of relevance and burden. The accuracy of relevant data is always relevant. The claim of burden was not quantified.

8. I wish to compel a proper response to DBP/USPS-158[a]. The original interrogatory asks for the conditions under which the printed name on a return receipt card would be of individual #1 and the signed name would be of individual #2. The response provided two examples. The first is very unlikely since the individual will have already completed the delivery receipt with their printed and signed name. The second borders on about the chances of winning the lottery that an addressee will become incapacitated at the precise time of having printed their name and before signing their name on the return receipt. In any case, if these unlikely examples did actually occur, it would still require that the name of individual #2, the one signing the receipt, be printed in the box and the printed name of individual #1 be crossed out. This example seems to me to be similar to a postal employee placing sandbags around the post office every night when leaving because the facility was located in a 100-year flood plane [where flooding can be expected to occur once every hundred years].

9. This is the same witness that has letter carriers "begging" the accountable mail section to make sure they are charged out with insured parcels when there is no requirement to do so [DBP/USPS-107[h] and -183[a]]. It would appear to me that all of these items are so unlikely to occur that this witness either has no idea of what is taking place out in the real world or is attempting, as a litigation strategy, to avoid providing a response to an interrogatory by giving a one in a million possibility and avoiding the 99.9999% response.

10. I wish to compel a proper response to DBP/USPS-192. The response of the witness to subpart a of DBP/USPS-192 in effect indicates that a proper response was not provided to subpart b of interrogatories DBP/USPS-131/132/133/134. Interrogatories 131-134 asked the Postal Service to confirm or explain that based on

the attached letters [Attachments A-D] that the completion of return receipts on accountable mail addressed to various IRS and state tax offices matched the procedures observed in the Inspection Service Area Coordination Audit Report on Special Services [USPS-LR-I-200.] The response of the witness stated, "Confirmed that, in areas other than the Andover, Massachusetts IRS, the Postal Service **MAY** [emphasis provided] process return receipts destined to the IRS similarly to the method observed by the Inspection Service at Andover in conducting its audit." As a result of this response, I followed up with Interrogatory DBP/USPS-192 as follows:

DBP/USPS-192 Please refer to your responses to subpart b of DBP/USPS-131/132/133/134. [a] The use of the words "may process" rather than "processes" appears to indicate that the Postal Service handles return receipts in some other manner at other times at the referenced IRS center. Please clarify and explain the choice and significance of those words. [b] What percentage of the return receipts at each of the referenced IRS and state tax offices are handled in the manner similar to that referred to in the Inspection audit? [c] If the response to subpart b is less than 100%, please provide the approximate percentages and specific methods of processing the receipts.

The response of the Postal Service was:

- a. The use of the word "may" denotes the fact that the process might or might not take place in a similar method.
- b-c. To the best of my knowledge, the Postal Service does not collect this type of information.

11. The question posed in subpart b Interrogatories DBP/USPS-131/132/133/134 asks a very direct question. Certainly, the Postmasters of Atlanta, Memphis, Philadelphia, and Cincinnati should be able to respond to the appropriate interrogatory relating to their office. These individual Postmasters should also be able to respond to subparts b and c of DBP/USPS-192, if necessary, based on their response to subpart b of the original DBP/USPS-131-134.

12. These responses are needed to fully evaluate the level of service and corresponding value of return receipt service and provide indication beyond the

Northeast Area for similar problems with return receipt service. It is noted that the witness referred to in Paragraphs 8 and 9 of this pleading is the same witness who responded to these two interrogatories.

13. For the reasons stated above, I move to compel responses to the listed interrogatories.

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

May 1, 2000

