

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

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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-  
197 through 202.

May 8, 2000

Respectfully submitted,



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

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1. I wish to file a Motion to Compel responses to Interrogatories that the Postal Service has filed an objection to.
2. To the extent that the material in my original interrogatories DBP/USPS-29 through 36 may now be appropriate to be follow-up interrogatories to DBP/USPS-80[f] and DFC/USPS-79 and 80, I move to compel a response to them over and above that which was directed in Ruling R2000-1/56.
3. In the response to DFC/USPS-79[c], the Postal Service stated that, "Existing operations policies allow for post offices to institute exceptional transportation when service commitments require." DBP/USPS-198 seeks to elaborate on the types and extent of use of this exceptional transportation is utilized. Approximately one Express Mail article in twelve is not delivered by the guaranteed time. This is certainly a significant volume of delayed mail and determination of the problems that exist in meeting the guarantee is not only appropriate but necessary to determine the value of service to the customer of this most preferential service. There is no indication that this is a "tiny percentage of Express Mail" without a response to the interrogatory. The Postal Service made the claim that they utilize this practice, they should not be able to avoid providing the details of the claim. The accuracy of relevant data is relevant.

4. The Postal Service feels that customers will be happy to have the Postal Service make the best effort possible to deliver Express Mail even if it is not delivered by the guaranteed time. My contention is that a number of customers will be misled by the guaranteed delivery time that was impossible to meet and therefore be upset at what was guaranteed to be a failure even before it was started. DBP/USPS-199 attempts to challenge and clarify the Postal Service's claim.

5. The witness should be able to provide a best estimation in responding to DBP/USPS-200. There are many responses to interrogatories in this case where it is an estimation of the witness. The Postal Service should not be able to avoid providing an estimate because they don't want to show that they are using the word guarantee in what I believe is a misleading way.

6. The witness should not be able to make a misleading statement to DBP/USPS-137 and then not be required to clarify it in response to DBP/USPS-201.

7. While Shipping on Line may not be an issue in this Docket, the underlying services that it provides are and therefore a response to DBP/USPS-202 is appropriate.

8. For the reasons stated, I move to compel responses to DBP/USPS-197 through 202.

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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

May 8, 2000

