

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, 2000

Docket No. R2000-1

OPPOSITION OF THE UNITED STATES POSTAL SERVICE  
TO MOTION OF DAVID B. POPKIN TO COMPEL RESPONSES TO  
INTERROGATORIES DPB/USPS-158(A, D, J), 170(C-E), 184, 191, AND 192,  
AND RESPONSE TO MOTION TO COMPEL RESPONSE  
TO INTERROGATORY DBP/USPS-145(A-C)  
(May 10, 2000)

The United States Postal Service hereby opposes the motion of David B. Popkin to compel responses to interrogatories DPB/USPS-158(a, d, and j), 170(c-e), 184, 191, and 192, filed May 3, 2000. The Postal Service does not oppose Mr. Popkin's motion with respect to interrogatory DBP/USPS-190, and does not oppose Mr. Popkin's motion to compel a response to interrogatories DBP/USPS-145(a-c), which was filed separately on May 3, 2000, under seal. A response to interrogatory DBP/USPS-190, and a revised response to interrogatory DBP/USPS-145(a-c), will be filed within a week.

Interrogatory DBP/USPS-158(a) asks for "specific examples" when one individual will sign a return receipt but another will print his/her name. Witness Mayo provided two such examples, but Mr. Popkin complains because he believes they are unlikely to occur. He can present his views in testimony or on brief, but witness Mayo has provided a proper response to the interrogatory.

Interrogatory DBP/USPS-158(d) asks for confirmation that a cancellation or round dater provides the year as part of the date. This concerns an operational detail that Mr. Popkin admits he knows, and which would not add to the record in this rate

proceeding. Mr. Popkin has not shown how an answer would be relevant to the value of return receipt service; neither a cancellation nor round dater is used in providing return receipt service.

Interrogatory DBP/USPS-158(j) asked for a new response to interrogatory DBP/USPS-45(z), which asked for the procedure, in detail, that a mailer must follow to obtain a duplicate return receipt. Mr. Popkin rejects the DMM citation provided to him, saying he is interested in the "actual mechanics necessary to obtain a duplicate return receipt." Motion at 1. But the cited DMM section addresses these mechanics, and Mr. Popkin has not explained what more he needs. In any case, Mr. Popkin presumably knows the mechanics, and does not need to burden the Postal Service and the Commission with pursuing this discovery.

Mr. Popkin also moves to compel responses to parts c to e of interrogatory DBP/USPS-170. At this point in the proceeding, it is no longer even a simple task to figure out what is being requested in these parts. The general topic is the relationship between how and when mail enters the system, and when it is processed. At least, that was the general topic of interrogatory 75, to which these questions are purported to follow up. Mr. Popkin claims that "Subpart c is needed to show that the Postal Service dates mail on Sundays when it is presented over a retail service window." Motion at 2. Exactly why it is necessary to make this showing (i.e., its relevance) is not discussed in the motion. The Postal Service submits that, in fact, it is not relevant to the issues in this ratemaking proceeding. Moreover, the "need " to pose this inquiry was not "caused" by the Postal Service's response to Mr. Popkin's interrogatory 75, as the motion now alleges at pages 1-2. The fact that the Postal Service accepts mail at some

retail windows on Sundays was acknowledged by the Postal Service in response to Mr. Carlson's interrogatory 6 (which was cited in the response to DBP 75), many weeks before the March 23rd deadline for discovery on the Postal Service, even if Mr. Popkin was not already quite well aware of this practice. The question is untimely as well as irrelevant.

In his motion to compel, Mr. Popkin now appears to suggest that part d of interrogatory 170 is a follow up to the response to part c of interrogatory 75. In other words, the reference in 170(d) to "subpart c" is not a reference to subpart c of question 170 (i.e., the subpart immediately preceding subpart d of question 170), but instead is a reference to subpart c of the *response* to question 75. That was not and is not apparent from the original question. In any event, what Mr. Popkin now appears to actually be requesting, if one starts with the question to subpart c of number 75, is a comprehensive listing of all instances in which the Postal Service might be unable to postmark and process mail on the day that it is turned over to a city delivery carrier, rural, or HCR carrier. Once again, on its face, this type of question, seeking speculation about the types of operational detail that could complicate normal operations, is simply irrelevant to this proceeding. It boggles the mind that someone would actually expect the Postal Service to be able to "provide a comprehensive listing" of every situation which could occur in the real world which would interfere with the flow of mail on the same day from a carrier into mail processing cancellation and dispatch operations. The Postal Service should not be required to respond.

With respect to part e of interrogatory 170, Mr. Popkin's motion now tries to assert that it relates to the previous subpart of the same question: "DBP/USPS-170[e]

follows-up on the response to DBP/USPS-170[d].” Motion at 2. Of course, since Mr. Popkin has not received a *response* to question 170, subpart d, it seems most likely that what he means is suggest is that the two parts (d and e of number 170) both follow-up on part c of the response to number 75. However, his motion is probably obscure on this point because part e of number 170 suddenly injects the EXFC measurement system into the discussion, which is well beyond the scope of anything in number 75. This part is not appropriate follow-up, and is clearly untimely.

The motion to compel with respect to interrogatory DBP/USPS-184 makes clear that Mr. Popkin, with this particular question, is not engaging in discovery, but wishes instead to engage in a debate over operational practices. He does not seek information, he simply wants to use the opportunity to argue his position. His view is apparently that if a collection box can be found that still lists a Sunday collection time, despite the change in national policy in 1988 that eliminated Sunday collections, the mailer should be able to expect Sunday collection. The record is clear on what the national policy is, and whether or not isolated boxes can be found that fail to provide information matching that policy is beyond the scope of this ratemaking proceeding. The Postal Service stand by its objection to question 184, and should not be required to respond.

Interrogatory DBP/USPS-191 seeks to follow-up on witness Mayo’s response to interrogatory DBP/USPS-124, which provided a lengthy response to 17 questions about new special service labels.<sup>1</sup> Now Mr. Popkin wants responses to 16 more questions

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<sup>1</sup> In his motion, at 3, Mr. Popkin states that “the accuracy of relevant data is always  
(continued...)

about minute details on the length of the identifying numbers on these labels, the date the labels were printed, the use of privately printed labels, and the possible redesign of the labels to use a removable sticker. Responses to these questions would not add to the record with respect to the pricing of special services, or for any other matter at issue in this proceeding.

Interrogatory DBP/USPS-192(b) asks what percentage of the return receipts at each of four offices are handled in a manner similar to that reported in an Inspection Service audit provided as library reference I-200. Witness Mayo has already conceded in her testimony that “problems with the quality of [return receipt] service imply a lower cost coverage”, and she has therefore proposed a low 116 percent cost coverage. USPS-T-39 at 135. She has provided the Inspection Service audit report discussing problems with return receipt service in the Northeast Area (LR-I-200), and noted that the types of problems discussed in this audit report were considered in the pricing of return receipt service. Tr. 14/5467-74, 5504. She also acknowledged, in response to part (b) of interrogatories DBP/USPS-131 to 134, that these problems might occur at locations other than the ones audited. Tr. 14/5449, 5451, 5453, and 5455. Thus, there is no need for additional anecdotal evidence of these problems, as requested by Mr. Popkin.

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<sup>1</sup>(...continued)  
relevant.” But he has not claimed that any of the responses to interrogatory DBP/USPS-124 were inaccurate. As with many of her responses, witness Mayo consulted with knowledgeable Headquarters personnel to develop a responsive and accurate answer.

The Postal Service strongly objects to contacting "postmasters" in four cities, as Mr. Popkin suggests, Motion at 4, to respond to questions about the percentage of return receipts at IRS and state tax offices that are handled in the manner referred to in the Inspection Service audit. The Postal Service believes that field personnel, especially postmasters, should not be required to spend time on omnibus rate cases, except on the most important of issues. The Postal Service also suspects that such inquiries would be time consuming, as the postmasters might need to identify more knowledgeable personnel to respond, the substance of the issues and the Inspection Service audit would need to be discussed, and, if responsive information is available, the responses likely would not be simple. Such a burden is not justified when it concerns a small portion of return receipt volume that is not representative of return receipt service in general.

In Docket No. R90-1, Mr. Popkin asked interrogatories addressing operational details, similar to those for which he now moves to compel responses. The Presiding Officer determined, for several of these interrogatories, that "these questions seek minute detail which would provide no knowledge material to a decision in this case." Presiding Officer's Ruling No. R90-1/76, at 4, affirming Presiding Officer's Ruling No.

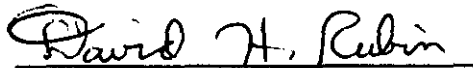
R90-1/56. A similar approach should be applied to Mr. Popkin's current motion to compel. Accordingly, the motion to compel should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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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.

  
David H. Rubin

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