

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO
MOTION OF DAVID POPKIN TO COMPEL RESPONSES TO INTERROGATORIES
(October 22, 2001)

The United States Postal Service hereby files its opposition to the October 15, 2001, motion of David Popkin seeking to compel responses to interrogatories filed on September 20, 2001.

The interrogatories in question are part of a set of 30 questions with 150 separately enumerated subparts. On October 1, 2001, the Postal Service objected to 37 subparts. With respect to the remainder of the interrogatories, on October 4, 2001, the Postal Service either filed answers or indicated that answers were forthcoming. Mr. Popkin's October 15th motion to compel challenges some of the answers provided on October 4th as unsatisfactory, complains that some of the promised answers have yet to be filed, clarifies some of the original questions, asks new questions, and otherwise moves that the Postal Service be compelled to respond to each interrogatory to which it objected.

With respect to several interrogatory responses which had been promised on October 4th, the Postal Service can report that answers have now been filed in response to DBP/USPS-24(b-d). Accordingly, the Postal Service considers the motion to compel to be moot, insofar as it applied to those interrogatories.

The October 4th response to certain interrogatories explained that the search for responsive records had not been completed. That is no longer the case with respect to DBP/USPS-8(d). Accordingly, a revised response is being filed today.

In response to the motion to compel, the Postal Service has reviewed the remaining objections it filed on October 1st. The Postal Service still regards these interrogatories as requesting information which is not calculated to lead to the discovery of admissible evidence, which is not relevant to the subject matter of the complaint, or necessary to the resolution of the issues in this proceeding. Nevertheless, in the hope that responses to some of these interrogatories could provide additional context for understanding answers to unobjectionable, relevant questions, in the interest of minimizing motion practice, and in the hope that the provision of responsive information to some interrogatories, without waiver of the objections, may act to discourage further inquiry into matters which are, at best, barely tangential to the matters raised in the complaint, the Postal Service is providing responses to some interrogatories to which it has objected. Likewise, in response to some of the attempts at clarification in the motion to compel¹ regarding what some of the original questions were seeking, the Postal Service has revised or supplemented some of its original October 4th responses and withdrawn some of its objections.

In summary, the Postal Service has minimized the instant controversy by filing revised or supplemental responses today to the following interrogatories: DBP/USPS-5(a)&(b-partial), 6(b-partial), 7(a,b), 10(d1), 16(a), 17(a,b), 18(a), 19(a), 26(a-f) and 28. In conjunction with its October 4th objections, the Postal Service expressed its views concerning the scope of the issues in this proceeding and emphasized that, nevertheless, there are many levels of postal policymaking and mail processing operational minutiae that are simply not relevant, necessary or material to the resolution of the issues raised by this proceeding. In order to ensure that its limited resources are available to provide pertinent information, the Postal Service must object to requests for

¹ As well as clarity brought by the more-focused set of interrogatories (DBP/USPS-31-55) filed on October 13, 2001.

information that do not serve the purposes of this proceeding. Accordingly, the Postal Service responds to outstanding matters raised in the motion to compel below.

DBP/USPS-1(a), (c), (e), (f)

Contrary to the argument at pages 2-3 of the motion to compel, the request for individual facility Clearance Times seeks information irrelevant to the issues at hand. The 2-day and 3-day model employed by the Postal Service in finalizing Phase 2 of its realignment plan calculates that the 12-hour drive time clock starts at 02:30, irrespective of individual Clearance Times of the individual originating facility or the Critical Entry Time of the Destinating ADC. Whether or not the facility clears before 02:30 has absolutely no bearing on the applicable service standard, since the "clock start time" is 02:30 at all origin P&DCs. For this reason, the individual CTs for each facility have no impact on the modeled Service Standards. The Clearance Times, Critical Entry Times, "No Earlier Than" Times, "No Later Than" Times, Buffer Times, and their inter-relationships are outlined in the PowerPoint presentation submitted as part of DFC-LR-1. If a facility has a CT earlier than 02:20, then the additional time is allowed as an official part of the Buffer Time. Buffer Time allows for the use of in-line transportation stops, the consolidation of mail at hubs or HASPs, and the aggregation of Originating mail flowing from P&DFs and CSFs that are subordinate to the originating P&DC.

Moreover, as indicated in the Postal Service's October 1st objection, there is currently pending another Commission proceeding, Docket No. C2001-1, in which the core issues relate to variations in mail collection and processing by day of the week or holiday, which are the subject of subpart (a). Docket No C2001-3 should not be used as a conduit for exploring issues relating to daily and holiday variations in mail processing. It is immaterial to a resolution of the issues raised by the instant complaint whether mail processing Clearance Times vary in relations to factors not related to service standards (subpart (c)). It is equally not relevant to know each activity that

takes place between the Clearance Time and departure of mail from a facility and the approximate time associated with each activity (subpart (e)). Moreover, it is irrelevant and unnecessary to the resolution of the issues in this proceeding to know all the Clearance Times for each P&DC, and all reasons why those times may vary from plant to plant (subpart (f)).

DBP/USPS-2(a), (c), (e), (f)

These questions are similar to those objected to above, except that these focus on Critical Entry Times. There is no nexus between the requested information and the resolution of the issues raised by the complaint in this proceeding. Accordingly, the Postal Service objected to these questions on the same basis. Provision of the requested information should not be compelled for the reasons articulated in relation to DBP/USPS-1(a,c,e,f).

DBP/USPS-4(c),(d), (e), (f)

As indicated in the October 1st objection, these questions seek details of all mailflows among all P&DC's and intermediate facilities. Such minutiae are not necessary or relevant to a resolution of the issues raised by the complaint in this proceeding. The service standards are what they are, irrespective of the manner in which mail flows within or between facilities. The questions before the Commission relate to whether the finalization of Phase 2 of the realignment plan reviewed in Docket No. N89-1 required a second review by the Commission in a separate section 3661 proceeding. They also revolve around whether the service standards currently in effect are contrary to the policies of the Act. It is not necessary to these determinations to know the details of how mail flows between any two P&DCs and what occurs at intermediate facilities in between, unless one considers that the Commission is authorized under section 3662 to review each and every local postal mail processing and transportation decision and determine which ones, in its view, comply with the

policies of the Act. There are 174 Originating P&DCs and 211 Intermediate Originating facilities. Among them, there are tens of thousands of transportation links satisfied by a mix of contracts for surface and air transportation. Pertinent records are maintained at the Area level and are voluminous. By whatever mix of surface or air transportation each facility exchanges mail has no bearing on how the current service standards were determined. The service standards were determined in the manner described in the Gannon Declaration. It is then up to local managers to determine what mode of transportation to use in their effort to meet those standards.

The issues in this proceeding will be resolved without regard to whether overnight, 2-day, or 3-day First-Class Mail gets processed at a P&DC or at an intermediate facility (subparts (c) and precisely how and when each link is satisfied by air or surface transportation (subpart (e)).

The Postal Service considers the list of facilities requested in subpart (d) of this interrogatory to be equally irrelevant to the issues at hand. If an e-mail request for a copy of USPS-LR-1 received on October 20, 2001, is any indication, Mr. Popkin, a week after mailing his motion to compel, had not attempted to access the Library Reference on the Commission's website and, therefore, was unaware that he has had access to the list since it was posted as part of that Library Reference on the website several weeks ago in response to OCA/USPS-12(b).

DBP/USPS-5(b)

The Postal Service is withdrawing its objection, to the extent that it applied to subpart (a) and the first information request in subpart (b). A response to subpart (a) and a partial response to subpart (b) are being filed today. However, for the reasons stated above regarding the above-referenced subsections or DBP/USPS-1, 2, and 4, the Postal Service should not be compelled to respond to subpart 5(b), insofar as it requests Clearance Times for each intermediate facility.

DBP/USPS-6(b)

For the same reasons expressed in regard to the above-referenced subsections of DBP/USPS-1, 2, 4, and 5, the Postal Service should not be compelled to respond to the request for a list of the Critical Entry Times for each intermediate facility. The service standards at issue were established without regard to and are independent of a variety of levels of mail processing minutiae, including Critical Entry Times at individual intermediate facilities. Since such information is neither relevant nor necessary to the resolution of the issues raised in the complaint, the motion should be dismissed.

DBP/USPS-7(a). (b)

The Postal Service has withdrawn its objection to this interrogatory and has filed a response today.

DBP/USPS-8(a). (d)

The original response to subpart (a) directed Mr. Popkin to responsive information. His motion to compel indicates a failure to comprehend the information brought to his attention. A revised response to subpart (a) is being filed today, with the expectation that that which seemed clear will be come even more so.

The original response to subpart (d) indicated that the search for responsive documents had not then been completed. The revised response filed today provides an updated, final response.

DBP/USPS-9(a). (b). (d). (e)

In response to subpart (a) which requested the definition of the term "consistency," as used in Docket No. N89-1, the Postal Service responded by giving Mr. Popkin the page citations to documents from that proceeding – to which he has ready access electronically – so that he could have an unfiltered² understanding of how the

² Or, as he puts it at page 4 of his motion, "directly and specifically."

term was defined and used in the context of that proceeding. He objects by arguing that he should not be required to have hard copies of Docket N89-1 documents. By the Commission's good graces, that is not necessary. The referenced documents can be retrieved from the PRC website.³ Inconvenient as it may be, from time to time, Mr. Popkin will have to open an eye and lift a finger.

In response to subpart (a) of the interrogatory, Mr. Popkin has been directed to where he can find the very documents he seeks. With no dependence on the Postal Service whatsoever, he has ready electronic access to them 24 hours a day, seven days a week. What Mr. Popkin apparently wants is for the Postal Service to provide a summary of those documents for him. The fact that he is a *pro se* litigant operating from New Jersey does not automatically turn the staff of the Postal Service into his personal stable of research assistants. He has the access; he has the means; he has the burden of preparing his own summary.

As for the old and the current definitions of the two-day service standard requested in subparts (d) and (e), there is very low-tech alternative solution. Mr. Popkin can turn to page 7 of the July 30th USPS Motion to Dismiss filed in this proceeding, which quotes the definitions, or he can go high-tech and refer to the electronic version the same document at the PRC website. The motion to compel a further response to subparts (a), (d) or (e) of this interrogatory is not justified.

In response to the answer to subpart (b) of this interrogatory, Mr. Popkin merely characterizes the answer as "not responsive" and propounds a follow-up question

³ Via the Archive search function. Alternatively, when Mr. Popkin next visits Washington, DC, he can, with sufficient advance notice, arrange through undersigned counsel to examine the Postal Service's Docket No. N89-1 docket document files. These files should contain every document filed in that proceeding, including those referenced in the response to this interrogatory. An exhaustive search of that records has not been conducted. There may be other documents from that proceeding which also reflect the Postal Service's definition and use of the term "consistency."

asking the Postal Service to identify any "immaterial changes" between the Docket No. N89-1 definition of "consistency" and the current one. The Postal Service disagrees that its response is not responsive. The Postal Service's original response makes clear its view that "[n]othing has changed" Accordingly the Postal Service does not agree that "[a]pparently, there are immaterial changes" Therefore, the Postal Service does not consider itself obliged to respond to the demand in the motion to compel that it identify "immaterial changes that now exist."

In reference to the response to subpart (f), Mr. Popkin does not so much move to compel, but simply starts arguing with the response to the question. The Postal Service does not consider that it is compelled to argue back. Mr. Popkin's argument seems to be based upon a failure to grasp one of the Postal Service's fundamental positions in this proceeding. The Postal Service regards that changes in relative reliance on air and surface are consistent with the current definition of the 2-day standard reviewed in Docket No. N89-1, which explicitly makes clear that determinations about the extent of 2-day service will be contingent, in part, on the reasonable reach of surface transportation and the reliability of air service. Implementation of service standard changes consistent with that understanding does not constitute a "change" in the definition. Mr. Popkin is free to argue that the Postal Service has changed the definition. However, he cannot move to compel the Postal Service to agree with his argument.

Also with respect to subpart (f), Mr. Popkin complains that he cannot find the several references in the July 30th Gannon Declaration which address the reasons for the shift to greater reliance on surface transportation to make 2-day service standards and moves to compel the Postal Service to unlock the mystery. The Postal Service is now at a point where Mr. Popkin is moving to compel the Postal Service to tell him that maybe he read paragraphs 15, 16 and 27 of the Gannon Declaration.

DBP/USPS-10(d1), (d2), (e1)

After review of the motion to compel and interrogatory DBP/USPS-55 filed on October 15th, this objection is withdrawn. A response to subpart (d1) is being filed today. The information requested in subparts (d2) and (e1) appears to be within the scope of what is requested in interrogatory DBP/USPS-55 and will be provided in a response to that interrogatory that will be filed on or before October 29, 2001.

DBP/USPS-11(b)

Here, Mr. Popkin moves to compel what he describes as "the simple and direct answer to the interrogatory." He got one, but the Postal Service's presentation of the response may have led him to believe otherwise. In its October 4th recitation of the questions in DBP/USPS-11, the Postal Service apparently reversed the order of the questions asked in subparts (b) and (c).⁴ In any event, whether Mr. Popkin is objecting to the October 4th response to either subpart, there is no basis for concluding that the Postal Service has done anything other than respond simply, fully and directly to each question. The question originally asked as subpart (b), but responded to as subpart (c) asked of confirmation. In response, Mr. Popkin got his requested confirmation. The question originally asked as subpart (c), but responded to as subpart (b), asked for discussion. In response, Mr. Popkin got lots and lots of discussion.

If there was anything to object to, it was the accidental reversal of the questions in the October 4th recitation. There is no basis for objecting to the answers. A corrected version of the responses, with the questions and answers in proper sequence is being filed today.

⁴ The question asked on September 20th as subpart (b) appears as subpart (c) and *vice versa* in the October 4th recitation of the questions by the Postal Service. Nevertheless, the October 4th answers designated as responding to subparts (b) and (c) correspond to the original sequence of the questions asked on September 20th.

DBP/USPS-12

Subpart (a) of this interrogatory requests a list of facilities that normally consolidate their mail by shipping it to another facility for processing, such as Hackensack NJ sending its mail to Paterson NJ on Saturdays. It also seeks information on Sunday processing. The Postal Service regards this interrogatory as seeking information irrelevant to the issues in this proceeding. The service standard definitions and the point-to-point service standards at issue in this proceeding were determined without regard to such considerations. Accordingly, it is incorrect for Mr. Popkin to argue that "[t]he extent to which mail facilities consolidate their processing is relevant to fully evaluate the current service standards." As is apparent from many of the interrogatories to which the Postal Service has objected, it is Mr. Popkin's view that to "fully" evaluate the issues raised by the complaint in this proceeding, he must have access to all possible information about First-Class Mail transportation and processing. These questions seek information about mail processing which has no bearing on the legal questions raised by the Docket No. C2001-3 complaint.

If Mr. Popkin believes that this proceeding serves as a forum for judging whether every aspect of mail processing at every facility complies with the policies of the Act, he has a misguided notion of the scope of this proceeding and the scope of the Commission's section 3662 jurisdiction. The questions concerning Sunday processing is, at best, arguably within the scope of Docket No. C2001-1. If the information has not been requested and provided in that proceeding, the concurrence of another complaint proceeding is no justification for compelling its disclosure now.

DBP/USPS-14

This question is interpreted as asking whether there the Postal Service has EXFC or ODIS data for First-Class Mail by mail piece type (e.g., metered, flat,

barcoded).⁵ The answer to this question has absolutely no relevance to any issue raised by the complaint in this case. The service standards and service standard changes at issue are uniform for First-Class Mail, irrespective of any differences in physical characteristics among pieces within the mail class. The complaint cannot be reasonably interpreted as raising issues related to differences in physical characteristics for First-Class Mail pieces subject to the service standard changes that were finalized in the past two years. To the extent that "adequacy" of mail service is an issue in this proceeding at all, it is adequacy on a class-wide basis, as it relates to the changes in service standards. The issue before the Commission is not whether the service actually provided handwritten flats vs. stamped letters, for instance, meets some heretofore unquantified and arguably unquantifiable standard of "adequacy." The issues in this proceeding focus on whether the act of shifting service standard from 2-day to 3-days (and vice versa) in 2000 and 2001, for the class as a whole, complied with 39 U.S.C. § 3661 and whether resulting shifts now mean that the current origin-destination service standards, or First-Class Mail service as a whole, is not consistent with the policies of Act, within the meaning of 39 U.S.C. § 3662. Accordingly, the Postal Service should not be compelled to respond to this interrogatory.

DBP/USPS-16(a)

The motion to compel seeks clarification of the original answer to subpart(a). A revised answer is being provided in the hope that it brings the desired level of clarity.⁶

⁵ At page 6 of his motion to compel, Mr. Popkin says he asked this question as a prelude to actually asking for access to data the Postal Service considers to be clearly irrelevant to the issues in this proceeding. Accordingly, this line of inquiry should be nipped in the bud.

⁶ The answer to all three questions in the argument on page 6 of his motion to compel in relation to this interrogatory is "no."

DBP/USPS-17(a), (b)

The Postal Service withdraws its objection to subpart (a) and files a response today, along with the response to subpart (b).

DBP/USPS-18

The Postal Service withdraws its objection to subpart (a) and files a response today. Insofar as an explicit confirmation of non-reciprocity is needed to clarify the combined response to subparts (b) and (c), that combined response is revised to accomplish that end.

DBP/USPS-19

The Postal Service withdraws its objection to subpart (a) and files a response today. The response to subpart (b) is supplemented in the hope that it brings greater clarity.

DBP/USPS-20

The very nature of this interrogatory reflects a belief that everything about mail processing is relevant to this proceeding and, therefore, everything about mail processing is subject to discovery. All mail is processed on all tours. Processing plans vary from plant to plant. A plant may plan to process A, B, and C on a particular tour, but end up processing B, C, and D. The service standard changes at issue in this proceeding and the resulting point-to-point service standards were not determined on the basis of the tours on which particular types of mail typically gets processed at various plants, any more than they were determined on the basis of knowing which tour on which carriers typically leave the office for the street or on the basis of which tour on which collection mail is picked up. At page 8 of his motion, Mr. Popkin argues that "[t]he types of mail that are processed on each of the tours is necessary to evaluate the compliance of the existing standards." Compliance with what? He has articulated no argument to support the notion that the requested information is needed to determine

whether the existing standards comply with the Postal Reorganization Act. That ought to be conclusive on the issue.

He argues in support of his motion to compel that "[s]ome mail has been defaulted to another tour that extends the service standard by a day." The Postal Service is at a loss to interpret what this means. It sounds like an isolated complaint about some mail processing service failure, as opposed to anything having to do with whether the current service standards comply with the Act. Mr. Popkin should be discouraged from considering himself free to burden the Postal Service in Docket No. C2001-3 with all and sundry questions about mail processing.

DBP/USPS-21(a)

As structured and worded, this interrogatory requests a confusing matrix of responses. The Postal Service's October 4th responses to both subparts (a) and (b) are intended to respond to the questions asked as if they applied to the (old) service standards that existed at the time of Docket No. N89-1 and the (current) ones implemented thereafter. The Postal Service responded to subpart (a) as best it could. Mr. Popkin argues that "[t]he response did not provide the conditions that existed at the time of Docket No. N89-1." By "conditions that existed at the time of Docket No. N89-1," is he referring to the mail processing environment? Is he talking about the service standards in effect at the time? The use of boilerplate in the interrogatories is sometimes counter-productive.

The motion to compel argues that "[t]he response did not provide the conditions that existed at the time of Docket No. N89-1." Again, the motion sheds no light on what that means other than to reiterate that a "[t]his response is desired." Instead of clarifying subpart (a), the motion to compel follows up the October 4th response to DBP/USPS-21(a) by indicating that additional information, not originally requested is "also desired." Mr. Popkin is familiar with the procedure for follow-up interrogatories.

He should employ it. At the same time, he could re-write and re-submit DBP/USPS-21, if he considers that it was not fully responsive to what he thinks he asked.

In response to the October 4th answer to subpart (b), Mr. Popkin again argues with the Postal Service's answer. The question implies the existence of post offices in contiguous 3-digit ZIP Code areas that are processing and transporting mail contrary to applicable mail processing plans and policies. The Postal Service's October 4th answer does not dispute this possibility, but indicates that the Postal Service does not know the degree to which such activity may be occurring. In response to this answer, Mr. Popkin argues essentially that the Postal Service surely must have as a department that "really" knows what mail processing operations are being conducted contrary to policy in every post office and that this department must routinely monitor and document all such "contra-processing" activity, and all that needs to be done to respond to the interrogatory is to tap into the "contra-processing" database.

As the Commission well knows, it is not safe to assume that every postal policy is being followed to the letter and it is often impossible to know the degree to which some policies are being violated. The Postal Service is prepared to stipulate that, throughout its existence, there have probably been post offices that have taken First-Class Mail "out of the network" to give it faster service than would otherwise routinely result from adherence to the standard operating plan and that such deviations may have involved contiguous 3-digit ZIP Code pairs with a 3-day service standard. It is not necessary to document each and every such micro-instance in order to resolve the macro-issues raised by the complaint in this proceeding.

If the Postal Service is expected, in response to the interrogatory, to conduct an audit of all contiguous 3-digit ZIP Code areas to determine the extent to which there is any First-Class Mail being transported and processed contrary to operating plans, the Postal Service objects on the grounds of burden -- a burden so large as to defy any

measure of precise quantification, other than to estimate that it would take many months of full-time work-hours to execute. Such a burden greatly outweighs any probative value that the requested information would have.

DBP/USPS-22

With all due respect, the Postal Service has read and re-read this question and is convinced that it has been answered. Mr. Popkin's motion to compel does not focus on the question asked: To what extent is it desired to have intra-state mail either overnight or -2-day? Instead, it demands an answer to a different question: To what extent, if any, were arrangements made to ensure that intra-state mail would be 2-day?

If Mr. Popkin wants to ask this other question, he is free to direct an interrogatory to the Postal Service. The Postal Service should not be compelled to respond until such time as it appears in that form. And he should not be permitted to circumvent that process by pretending that that was his question all along.

DBP/USPS-23

The Service Standard Directory is maintained on a mainframe computer and is updated at the beginning of each Postal Quarter. The long-standing practice is that the "old" file is over-written with the new data each PQ. No copies of the earlier data sets are maintained. However, since the early-t-mid 1990's, the Postal Service has produced the Service Standards Maps Program, which is circulated internally and externally on a quarterly basis. Although the Postal Service does not maintain a library of past quarterly issues, a search has been initiated to determine whether a complete set can be compiled. Upon completion of the search, responsive documents will be filed as a Library Reference. The Postal Service questions the relevance of the information sought here. This case is not about all the changes that may have been implemented either in the early 1990's as part of Phases 1 or 2 of the realignment plan, or about any other change that was implemented before the finalization of Phase 2 in

2000 and 2001. This case is squarely about the 2000-2001 changes, all of which are documented and the basis for which has been provided in this proceeding.⁷ Otherwise, the Commission should not compel the Postal Service to endure the burden of searching for records pertaining to any changes which are not the subject of the complaint in this proceeding.

DBP/USPS-24

Personnel who are the primary sources of materials responsive to the requests in subparts (b) through (e) have been taken away from their regular responsibilities during the past month to assist in the resolution of mail processing and transportation network emergencies which have resulted from the events of September 11th and from the more recent use of the mails to commit acts of biological terrorism. Accordingly, responding to interrogatories has not been their highest priority. Responses to subparts (b)-(d) have been filed today. In response to subpart (e) it is expected that data can be disclosed as early as the end of this week which will indicate (but not demonstrate) the reliability of commercial air transportation over the past five years. Some of the data being analyzed as responsive to subpart (e) is non-public, airline-specific data which has been shared only with the specific airlines to which it pertains. Undersigned counsel invites Mr. Popkin to e-mail or call undersigned counsel in order to expedite discussion of potential protective conditions as a means of minimizing any further delay in access to this information.

DBP/USPS-25

The motion to compel requests an unredacted copy of the PowerPoint presentation that appears in Library Reference DFC-1. The Postal Service objects to

⁷ Has Mr. Popkin forgotten that he informally requested and received an Excel Workbook containing the 2000-01 changes directly from Mr. Gannon via e-mail in June, 2001?

disclosure of the redacted pages. With the exception of the last page discussed below, they contain information irrelevant to the service standard changes at issue in this proceeding.

The first redacted page (captioned "Process Review Team") merely consists of a list of the Headquarters and Field employees who served on the Process Review Team.

The next three redacted pages (appearing after the page captioned "Assessment Made By Team") consist of material pertinent to a proposal to consider making adjustments to particular overnight service standards at the same time that Phase 2 of the realignment plan was being finalized in 2000-01. The subject of whether to consider also making overnight changes was "on the table" internally at an early stage of Process Review, but -- as ought to be obvious from the record in this proceeding -- was never developed. The entire focus became the 2-day/3-day changes that are the subject of the complaint in this proceeding. Accordingly, these three pages are irrelevant to the issues in this case and merely reflect the pre-decisional deliberative process as it relates to a matter that was shelved and which is not within the scope of this proceeding.

The next seven redacted pages follow the page captioned "Arrival Profile Table." These pages provide examples of the arrival profiles for First-Class Mail traveling between specific mail processing facilities, if the complete Buffer Times were utilized. They represent only hypothetical arrival patterns of the Estimated Time of Arrival concept outlined in other portions of DFC-LR-1. However, they do not represent, past, current, or proposed arrival profiles for the specific facilities.

For the reasons discussed in relation to DBP/USPS-1, 2, 4, 5, and 6. The specific arrival and departure times of mail between specific plants were not a factor in the finalization of the service standard changes at issue in this proceeding.

The final redaction appears on the bottom half of the page captioned "Two-Day

Model." It consists of a preliminary estimate of the percentage and volume of total First-Class Mail volume projected to experience either an upgrade or a downgrade between 2-day and 3-day service as a result of the changes expected to be implemented in the process of finalizing Phase 2 of the realignment plan. The net effect of the loss of 1.31 percent of 2-day volume was the original projection, prior to any standards being adjusted. The redacted upgrade and downgrade percentage estimates developed at the time were preliminary and were eventually each superseded by more mature estimates which appear in DFC-LR-1, which total 1.44 percent of national 2-day volume. The record in this proceeding would not be enhanced one iota by the provision of the superseded numbers, since the final numbers have already been provided. Accordingly, the motion to compel production of an unredacted copy of the PowerPoint presentation should be denied.

DBP/USPS-26

To the extent that the original response was ambiguous regarding the possibility of data responsive to subparts (a) through (f), the revised response filed today is not. In response to subpart (g), the Postal Service has provided citations to multiple sources of responsive information, including pages 6-7 of its Docket No. C2001-3 motion to dismiss filed on July 30, 2001. Mr. Popkin need only look there for a summary of the purposes of the Docket No. N89-1 realignment plan, if he is unwilling to bother to look at actual documents from that earlier proceeding.

DBP/USPS-27(f), (g), (h)

Logistics personnel, who are the primary sources of materials responsive to the requests in subpart (f) have been taken away from their regular responsibilities during the past month to assist in the resolution of operations and transportation network emergencies which have resulted from the events of September 11th and from the more recent use of the mails to commit acts of biological terrorism. Accordingly, it has been

difficult to obtain their necessary input in the preparation of some interrogatory responses. Nevertheless, they have pitched in when brief opportunities have materialized. Responsive materials are in the process of being compiled. It is expected that a response can be filed this week.

The Postal Service maintains its objection to subpart (g). There is no plausible nexus between the elimination of Air Mail service in May of 1977 and the service standard changes at issue in this proceeding. Mr. Popkin argues that First-Class Mail has been shifted from air transportation to ground transportation, and a delivery day has been added. That is a gross mischaracterization of fact. First-Class Mail is always subject to a shifting mix of surface and air transportation. There has been no day added to the long-standing 1-day, 2-day, 3-day First-Class Mail service standard matrix. The service standard changes at issue involve a small percentage of upgrades and downgrades between 2-day and 3-day service, which should be judged on their own merits under §§ 3661 and 3662, without regard to why Air Mail service was established or eliminated, or what was said about it in the press at the time or in internal postal directives and memoranda. At best, Docket No. N89-1 serves as a baseline for comparison. Mr. Popkin is free to peruse the Docket No. N89-1 record to satisfy his History Jones.

In its October 4th response to subpart (h), the Postal Service explained that it lacked sufficient information with which to make a precise comparison of the sort requested. Mr. Popkin's motion to compel asks the Postal Service to designate someone to offer speculation responsive to subparts (h) and (i). The Postal Service considers that it should not be required to do so, in light of its response to subpart (h).

DBP/USPS-28

The objection to this interrogatory is being withdrawn and a response filed today.

DBP/USPS-30

Three audit reports produced by the Office of the Inspector General have been identified as potentially responsive to this request. Copies have yet to be transmitted from the OIG to personnel working on Docket No. C2001-3. As indicated in the October 4th response to this interrogatory, the reports will be examined for the purposes of making expeditious disclosure determinations.

As is evident from the response to this interrogatory, the Postal Service is unaware of any General Accounting Office reports. Mr. Popkin is free to direct inquiries to GAO to confirm whether any exist.

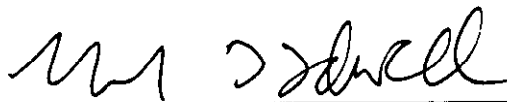
For the reasons stated above, the motion to compel should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel
Ratemaking



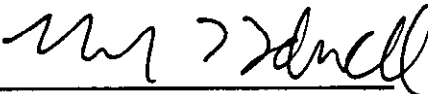
Michael T. Tidwell
Attorney

CERTIFICATE OF SERVICE

In hereby certify that, in accordance with section 12 of the Rules of Practice, In have this day served the foregoing document upon:

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