

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

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

REPLY OF THE UNITED STATES POSTAL SERVICE
TO OBJECTION OF MR. POPKIN TO MOTION FOR LATE ACCEPTANCE AND
MOTION FOR PROVISION OF SECOND COPY OF LIBRARY REFERENCE
(November 26, 2001)

The United States Postal Service hereby replies to the November 19, 2001, objection of Mr. Popkin to its November 9, 2001 motion for late acceptance of interrogatory responses and his motion seeking to compel the provision of a second copy of a Docket No. R2000-1 library reference.

Again, the Postal Service regrets that it has been necessary to file interrogatory responses late in this proceeding. The Postal Service takes seriously the issues raised by the complaint in this proceeding. No party has a greater incentive than the Postal Service to see Docket No. C2001-3 resolved as expeditiously as possible.

Notwithstanding the importance of the production of interrogatory responses in the instant proceeding, intervening events -- such as the operational emergencies which rock the very foundation of the agency and the filing of Docket No. R2001-1¹ -- have stretched the Postal Service's resources to the limit, and have had an adverse impact on the production of responses to relevant questions.

At page 2 of his motion, Mr. Popkin argues that the provision of late

¹ Not to mention the burden of motion practice in the instant proceeding regarding irrelevant interrogatories and the provision of responsive information in response to still more irrelevant interrogatories.

responses has diminished his opportunity to submit follow-up interrogatories and “any interrogatories that might have been suggested when I evaluated these [late] responses.”

The Postal Service has no intention of objecting to interrogatories that legitimately follow-up on its late responses. However, notwithstanding the restraint with which it has exercised its right to object to interrogatories thus far in this proceeding, the Postal Service reserves the right to object to “any interrogatories that might have been suggested when [Mr. Popkin] evaluate[s] these [late] responses” which are not proper follow-up questions seeking relevant information. The deadline has passed for initiating lines of discovery on matters not raised for the first time in these interrogatory responses. Mr. Popkin cannot reasonably expect to use the tardiness of an interrogatory response about a particular subject as an foundation for asking a question about an unrelated topic.

With respect to the provision of a second copy of Docket No. R2001–1 Library Reference J-380, the Postal Service challenges Mr. Popkin’s interpretation of Rule 31(b)(2)(ii)(A). The library reference at issue was filed in Docket No. R2000-1, on May 19, 2000, in response to DBP/USPS-130. The rule requires that the Postal Service serve Mr. Popkin with a copy of that library reference within three days after he requests a copy. In his motion, he does not dispute that this was done during Docket No. R2000-1.

In preparing its Docket No. C2001-3 response to DBP/USPS-30, the Postal Service became aware that the interrogatory sought information previously requested and provided in Docket No. R2000-1. Accordingly, in its November 9, 2001, response to DBP/USPS-30, the Postal Service reminded Mr. Popkin of the material it had already provided him in Docket No. R2000-1, in

addition to referring him to a newly filed Library Reference: C2001-3/6.² Contrary to the assertion at page 3 of Mr. Popkin’s motion, the Postal Service has not “utilized” or “fully evaluated” Library Reference J-380 for purposes of Docket No. C2001-3. All the Postal Service did was direct Mr. Popkin to refer to material he does not dispute was already provided to him in the all-too-recently completed earlier docket. The Postal Service does not interpret Rule 31(b)(2)(ii)(A) as requiring that it provide him with yet another copy as a consequence of formally reminding him that he had already asked for and been given access to the same information previously.

Accordingly, the motion should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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² This Library Reference was mailed to Mr. Popkin on November 13, 2001.

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon all parties of record in this proceeding.

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November 26, 2001

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