

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 MOTION OF DAVID POPKIN
TO COMPEL RESPONSES TO INTERROGATORIES
(November 28, 2001)

In accordance with Rule 26 of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby files this reply to the November 21, 2001, motion of Mr. Popkin to compel responses to the following interrogatories: DBP/USPS-38, 43, 47, 56(j) and 79.

DBP/USPS-38

In response to DBP/USPS-11(c), the Postal Service indicated that the average contracted driving speed for highway contract routes is "over 19 percent" below the posted speed limits. Mr. Popkin complains that the response to DBP/USPS-38(a) does not confirm the response to DBP/USPS-11. The response to DFC/USPS-11(c) says what it says. It is not clear what purpose is served by asking the Postal Service to confirm that its response to DFC/USPS-11(a) says what it says. But just to be on the safe side and, perhaps, to avoid additional motion practice, the Postal Service hereby confirms that all of its interrogatory responses in this docket, including DBP/USPS-11(c), say what they say.

Mr. Popkin says that subpart (b) of DBP/USPS-38 is an attempt to clarify what it means for one number to be "over 19 percent less than" another. The Postal Service is willing to confirm the percentage relationship between the figures "55" and "44.55." Without analyzing its multitude of highway

transportation contracts, however, the Postal Service is unable to state that on average, the contract speed adjustments on all 55 mile-per-hour zones is 44.55 miles per hour. As indicated in the response to DBP/USPS-38, local conditions are factored in and the contracted minimum speeds vary. If Mr. Popkin wants to assume that all posted speed limits are factored down by over 19 percent in all contracts, he is free to do so for purposes of this proceeding. The Postal Service is unaware of the relevance or materiality of knowing the precise contractual percentage downgrade for that particular speed limit. For purposes of this proceeding, he can assume "over 19 percent" for all posted speed limits.

DBP/USPS-43

Mr. Popkin argues that this interrogatory sought confirmation that the public input procedures described in DBP/USPS-26(l) were implemented and, if so, why they were discontinued. The Postal Service responded by indicating that it could locate no records indicating whether the solicitations for public input occurred or, if they did, why they were discontinued.

The Postal Service has responded to the interrogatory. Mr. Popkin declares that the records of Docket No. N89-1 "will at least show that . . . [the public input procedures were] conducted." To the contrary, what the records of Docket No. N89-1 would show, at best, is whether the Postal Service intended to conduct such procedures, something which is already presumed by the interrogatory. The Postal Service's Docket No. N89-1 litigation records (docket document files) would not reflect events that took place after the litigation.

Mr. Popkin goes on to observe that Docket No. N89-1 witness Potter is still employed by the Postal Service and then expresses interest in the fact that the Postal Service has not maintained records relating to its implementation of the overnight service standard changes (Phase 1) of the Docket No. N89-1

realignment a decade ago. Then he moves on to discuss interrogatory DBP/USPS-47.

DBP/USPS-47

This interrogatory posed a hypothetical scenario. It asked the Postal Service to identify all 3-digit ZIP Code pairs which currently have a 2-day service standard which could be converted into an overnight service standard by the use of air transportation and to identify all 3-digit ZIP Code pairs which currently have a 3-day service standard which could be converted into a 2-day service standard by the use of air transportation. The Postal Service responded by indicating that a substantial percentage (if not almost all) such pairs could be converted, assuming no real-world constraints.

Mr. Popkin complains that the Postal Service did not list which of the current 184,476 2-day and 655,862 3-day ZIP Code origin-destination pairs constitute a substantial percentage (if not almost all). And the simple reason the Postal Service did not provide an exact list is because there is no way of knowing which ZIP Code pairs would end up on this hypothetical list without actually planning to undertake the hypothetical changes. This would involve completely reconfiguring the postal mail processing system, reforming current labor agreements, and soliciting new transportation contracts to convert surface transportation to air transportation -- all to develop the requested perfectly complete description of Mr. Popkin's hypothetical scenario. The best answer Mr. Popkin can possibly get is the one that he got: in theory, the conversion could take place and affect almost all 2-day and 3-day ZIP Code pairs.

DBP/USPS-56(j)

This interrogatory sought copies of records relating to requests for service standard changes submitted to Headquarters by local postal officials under

procedures established for circumstances other than a system-wide changes of the sort submitted for review in Docket No. N89-1 and finalized in 2000 and 2001. Local change requests are of the sort described by the Commission in ¶1092 of its Docket No. N89-1 opinion -- “adjustments at certain SCFs to correct specific anomalies, illogical service commitments, and inefficient service requirements”, as opposed to “a nationwide realignment of service standards.” Clearly, the latter is the subject of the current proceeding and the former is not.

Nevertheless, rather than object on the grounds of relevance to this interrogatory, the Postal Service offered to make these irrelevant files¹ available for inspection, consistent with the principles of Rule 26(b). Even assuming the requested documents were relevant, the Postal Service has fulfilled its obligation under this rule by making the documents available for inspection. Rule 26(b) was tailor-made for this very situation, considering that voluminous nature of the irrelevant files.

Mr. Popkin’s insistence that these files be submitted as a Library Reference is nothing more than an effort to abuse the rules governing the filing of Library References. Requiring the Postal Service to produce two copies of these files for the Commission’s files, two for its own library for public access, and additional copies for intervenors would be a gross waste of resources.

The Postal Service repeats its offer: Mr. Popkin is invited to arrange for a mutually convenient time for the inspection of the records at USPS Headquarters through undersigned counsel. Alternatively, he can turn his attention to the service standard changes at issue in Docket No. C2001-3.

¹ Approximately three linear feet of records dating as far back as 1993-94.

DBP/USPS-79

Mr. Popkin seeks information to determine the circumstances under which letters deposited for mailing on a given day are postmarked and processed on that same day. He argues that “‘processed on that same day ‘ is the equivalent to establishing Day-0 for the start of the service standard results.”

It is not perfectly clear where he is going, but here is the Postal Service’s response.

This proceeding is about whether certain system-wide First-Class Mail service standard changes from 2-day to 3-day service and *vice versa* were implemented in accordance with section 3661 of the Act and otherwise result in First-Class Mail being provided in accordance with the policies of the Act, within the meaning of section 3662.

Postmarking policies and procedures have not changed. They were not a factor in the development of the service standard changes at issue. Policies regarding the relationship between entry of mail and the beginning of its processing have not changed and were not a factor in developing the service standard changes at issue in this proceeding.

Before the service standard changes, there was mail that did not get processed on the day of deposit -- in accordance with operational policies and practices that have nothing to do with the establishment of service standards. After the changes, because of the same policies and practices, there is still mail that does not get processed on the day of deposit. If all the changed service standards reverted tomorrow to what they were in 1999, that will still hold true.

Operational policies and procedures have an impact on service performance, which is measured in relation to service standards. But then, every

aspect of postal operations has an impact on service performance.² The fact that something may have an impact on service performance, however, does not make it relevant to service standards – or changes in service standards or the service standard changes at issue in this proceeding. Accordingly, it is irrelevant to the issues in this proceeding how Day Zero is determined in calculating end-to-end delivery times or times in transit for particular pieces of mail entered by various methods and postmarked in accordance with standard operating procedure.

Obviously, mail is deposited by a variety of methods at different times of the day. The method and time of day can affect whether it gets postmarked before the clock strikes midnight and, therefore, which date constitutes Day Zero for purposes of Origin-Destination Information System (ODIS) measurement, since time in transit is calculated at the delivery unit based on the postmark date on a mail piece. But nothing about the service standard changes at issue in this proceeding changes or is affected by that. Some mail with a 2-day service standard now has a 3-day standard and *vice versa*. But since the same method is used to calculate transit times as before, it is irrelevant and immaterial to the issues in this case whether a piece handed to highway contract driver on his or her route at 4:00 p.m., or whether a letter accepted at a P&DC lobby window at 8:00 p.m. gets postmarked that day. Nothing about ODIS time-in-transit measurement has changed. Accordingly, Mr. Popkin should be compelled to accept the responses to interrogatories he has received and the Postal Service should be spared the burden producing additional minutiae unrelated to the

² If every operationa policy or practice that had an impact on service performance were deemed to be relevant to the service standard changes at issues in this proceeding, then there would be virtually nothing beyond the scope of discovery in this proceeding.

issues the complaint in this proceeding seeks to have resolved.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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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.

Michael T. Tidwell

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