

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, 2001

Docket No. R2001-1

**UNITED STATES POSTAL SERVICE OBJECTION
TO INTERROGATORIES DBP/USPS—30-31, AND -58**

The Postal Service hereby objects to interrogatories DBP/USPS—30, 31, and 58, filed on November 26, 2001. The grounds for each objection are set forth below.

Interrogatory DBP/USPS-30. This interrogatory asks the Postal Service to confirm a number of self-evident statements about Stamped Cards, based on the definitions in sections 962.11, 222.11, and 6020 of the Domestic Mail Classification Schedule (DMCS). These questions essentially ask for confirmation of the wording of the classification language. The Postal Service objects on grounds that the interrogatories are burdensome, given that the answers would reveal nothing more than what the casual reader could independently conclude by simply reading the classification language.

Interrogatory DBP/USPS-31. This interrogatory asks a number of questions related to philatelic cards featuring an image of Santa Claus. This interrogatory is essentially the same as interrogatory DBP/USPS-58, filed in Docket No. R2000-1, which posed virtually identical questions regarding philatelic cards featuring the image of Bugs Bunny. The Postal Service objection to that interrogatory was sustained by the Presiding Officer in P.O. Ruling No. R2000-1/59 at 2-3. Swapping Santa Claus for Bugs Bunny does nothing to alter

the conclusion that this line of inquiry is frivolous. Since the relevance of this line of inquiry has already been litigated and resolved in the Postal Service's favor, the exact same grounds for objection must prevail in this docket as well.

As in the last omnibus rate case, the Postal Service objects to all subparts of this interrogatory on grounds of relevance. The information sought in interrogatory 31 is plainly immaterial to the issues before the Commission. While information about pricing of philatelic cards may be of interest to philatelists or hobbyists, it simply has no bearing on the Commission's evaluation of the classification and pricing criteria of 39 U.S.C. §§ 3622 and 3623. Further, it is abundantly clear that these questions are aimed at relitigating issues that Mr. Popkin raised in his unsuccessful complaint in Docket No. C95-1. In that proceeding, Mr. Popkin challenged, *inter alia*, pricing for collectible cards on grounds that prices for such items violated 18 U.S.C. § 1721. The Commission dismissed the complaint. See PRC Order Nos. 1075 (issued September 11, 1995) and 1088 (issued November 15, 1995). As this issue was clearly settled by the Commission, Order Nos. 1075 and 1088 operate to estop Mr. Popkin from raising this issue again here.

The Postal Service further objects to subpart (aa) on grounds of burden. Subpart (aa) requests that the Postal Service provide a complete listing of all postal cards sold since 1971 exceeding the price of postage imprinted or impressed on them. This would require an exhaustive review of postal philatelic catalogs, which would consume countless hours of search time, assuming that

the Postal Service even had historical records to search for responsive information.

The Postal Service further objects to subparts (r), (w) and (bb) on grounds that these subparts request legal conclusions. Such discovery is clearly outside the scope of permissible discovery as provided by Commission precedent. See P.O. Ruling No. R97-1/39.

Interrogatory DBP/USPS-58. Interrogatory 58 asks for: the definition and composition of philatelic products, confirmation that some philatelic products can serve as postage, and information on how prices for philatelic products are determined. This question is identical to interrogatory DBP/USPS-101, filed in Docket No. R2000-1, to which the Postal Service objected, and to which Mr. Popkin failed to even bother to file a motion to compel.

The Postal Service objects to all subparts of this interrogatory on grounds of relevance. The information sought in interrogatory 58 is plainly immaterial to the issues before the Commission. While information about the definition, composition, utility, and pricing of philatelic products may be of interest to philatelists or hobbyists, it simply has no bearing on the Commission's evaluation of the classification and pricing criteria of 39 U.S.C. §§ 3622 and 3623. Further, it is abundantly clear that these questions are aimed at relitigating issues that Mr. Popkin raised in his unsuccessful complaint in Docket No. C95-1. As this issue was clearly settled by the Commission, Order Nos. 1075 and 1088 operate to estop Mr. Popkin from raising this issue again here.

The Postal Service also objects to subpart (a) on grounds that it requests a legal conclusion, in that it requests a definition of a term used in 39 U.S.C. § 404(a)(5). Such discovery is clearly outside the scope of permissible discovery as provided by Commission precedent. See P.O. Ruling No. R97-1/39.

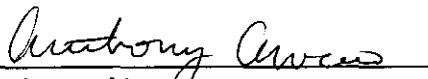
The Postal Service further objects to subpart (d) on grounds of commercial sensitivity. This interrogatory requests information about pricing of philatelic products. Philatelic markets are competitive. Both private resellers and foreign postal administrations compete for business in this market. Disclosure of pricing strategies for these nonpostal products would reveal market strategies, thereby resulting in commercial harm.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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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.


Anthony Alverno

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