

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

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POSTAL RATE COMMISSION  
Docket No. R2001-1

Postal Rate and Fee Changes, 2001

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES  
[BOTH THOSE THAT HAVE BEEN OBJECTED TO AS WELL AS THOSE THAT HAVE  
NOT BEEN FULLY RESPONDED TO]

December 17, 2001

I move to compel responses to interrogatories submitted to the United States Postal Service that were objected to by them.

Respectfully submitted,

December 17, 2001

David B. Popkin, PO Box 528, Englewood, NJ 07631-0528

DBP/USPS-30 The Postal Service states that to respond to this interrogatory would be burdensome, yet they state that the answers could be concluded by simply reading the classification schedule. I wish that I could always think that what to be is obviously true, is true to the Postal Service. I, unfortunately can't, and therefore, if I want confirmation, I should be able to receive it. Furthermore, Rule 26[c] requires that they provide an estimate of cost and work hours required, they did not.

DBP/USPS-9 The Postal Service states that it fails to see how its refund policy is relevant to the determination of Express Mail rates. The refund policy is a component of the value of service to the mailer and therefore is relevant.

DBP/USPS-67 The Postal Service states that the interrogatory is irrelevant because it does not have separate rates for weekends and holidays for Express Mail. Express Mail is advertised as a 365 days a year service and this includes weekends and holidays as well as weekdays. The extent to which service is met on weekends and/or holidays is a component of the value of service to the mailer and therefore is relevant. In the response to OCA/USPS-25 subpart d, the Postal Service refers to Express Mail services on weekends as follows:

Second, the NCR POS ONE system displays a warning message for articles addressed to post office boxes that are scheduled for delivery over the weekend: "Service commitment will be effective only if Post Office Box accessible on the weekend." None of the systems contain data identifying the specific destinations where post office boxes are inaccessible on weekend or where Express Mail street delivery is not made on weekends and holidays.

The Postal Service has opened the door to weekend and holiday delivery and I am attempting to follow-up and clarify their response. The response to OCA/USPS-299 filed on December 10, 2001 also makes a similar reference as follows:

POS ONE does not currently contain data identifying the specific destinations where post office boxes are inaccessible or where Express Mail street delivery is not made on weekends and holidays. However, the NCR POS ONE system displays a warning message for articles addressed to post office boxes that are scheduled for delivery over the weekend: "Service commitment will be effective only if Post Office Box accessible on the weekend.

The response to subparts a, b, and c of DBP/USPS-65 appears to indicate a conflict with the response to OCA/USPS-25 and 299 as to the extent to which Express Mail is delivered as appropriate. The response to DBP/USPS-65 states that with the exception of the 20 offices noted, Express Mail will arrive at all other facilities **365/6 days a year**, will arrive in time to allow for delivery **at all authorized addresses** [emphasis provided] within the delivery area of that facility by the scheduled delivery time no later than the second day after mailing. A Post Office Box is an authorized address. A street address is an authorized address. Weekdays and holidays take place on the 365/6 days of the year.

Furthermore, "many hours" and "tremendous burden" do not meet the requirements of Rule 26[c] which requires that they provide an estimate of cost and work hours required. Nor did they quantify the burden, if any, to each of the separate 16 subparts of the interrogatory. If there are only 20 facilities in the country that do not meet the proper Express Mail delivery, the response to this interrogatory can hardly be burdensome.

DBP/USPS-72 and 76 subpart b. The Postal Service objects on the grounds of relevance, burden, commercial sensitivity, and overbreadth. They have agreed to providing documents [or information] at located at Headquarters, issued from FY 2000 until the present.

The last sentence of the December 6, 2001 Partial Objection states that "Older responsive documents may have already been provided in past proceedings." Since this information has been requested in previous cases relating to Certified Mail and/or Return Receipts, I am willing to accept their offer to provide the data from FY 2000 until the present [with respect to the period of time] if the Postal Service will eliminate the word "may" from the last sentence of the Partial Objection and if they will provide the data from the start of Docket R2000-1 to date [not being sure of the dates involved, I want to ensure that I have complete data].

To the extent that any of the material provided in response to these two interrogatories contains facility-specific mail volume data which has been redacted by the Postal Service, I will evaluate it at the time to determine whether to object to the redaction or to move for protective conditions.

Since there are presently only nine area offices [and there were only eleven at the time of most of the period involved] it should not be overbroad or burdensome to provide the data for the areas as well as Headquarters. This is relevant since areas have conducted evaluation of this service and their evaluation is needed to fully evaluate the value of the service.

Furthermore to justify their claim of burden, Rule 26[c] requires that they provide an estimate of cost and work hours required, they did not.

DBP/USPS-83 The objective of this interrogatory was to determine if there are any mailers of Priority Mail at the lowest zoned rate of Local/Zone 1-2-3 will have that mail typically sent via the FedEx Memphis Hub so that it will require the transportation of the

mail from California to Tennessee and back to California at the same price [the Local Zone 1-2-3 rate] as the Postal Service charges for mail for mail that is delivered across town in the originating city. The example of Los Angeles to Eureka CA is in the fourth zone but it does go through the Sacramento AMC. While Eureka and Sacramento are both in the 4<sup>th</sup> zone from Los Angeles, it would appear that there is a good possibility that since apparently all Priority Mail originating in the Los Angeles AMC area and destined to the Sacramento AMC area goes through Memphis that there would be an office north of Los Angeles that would be the third zone rate to an office south of the Sacramento area. If the Postal Service will provide me with one example in the format of the original response to POIR Number 5 / Question Number 8 that utilizes two cities that would utilize the 3<sup>rd</sup> zone Priority Mail rate between them, then that would satisfy a response to subparts a, b, and c of my interrogatory. If not, I would need the data requested to evaluate it myself.

Subpart d is desired to confirm that all 8<sup>th</sup> zone [namely, more than 1800 miles] Priority Mail will be typically transported through the FedEx Memphis Hub. Subpart e is desired to ensure that mail which is transported by FedEx air typically will be transferred at a USPS AMC or PMPC and therefore will be covered by the responses to subparts a through d.

To the extent that this interrogatory might be deemed as improper follow-up, Witness Spatola is in the second half of the witnesses and therefore, this interrogatory filed on November 28<sup>th</sup> would be timely. If necessary, I move for acceptance two days late. The PMPC data was requested in addition to the AMC data since PMPCs were mentioned in other responses and do exist and I wanted to receive complete data. If there are any PMPCs in the area, then a listing of AMCs only would be incomplete. The response to footnote 2 in the Objection is that the reference to subpart b in subpart c of my interrogatory is to subpart b of my interrogatory. Therefore, any reference to Texas and Iowa is irrelevant.

Subpart c does not require every ZIP Code prefix in the country as claimed. It requests the listing of those areas in the vicinity of the AMC/PMPC that utilize that AMC/PMPC for the dispatch/receipt of Priority Mail from the rest of the country. It does not mean that Eureka's ZIP Code would be listed for Los Angeles; it would be listed for Sacramento.

Furthermore, Rule 26[c] requires that they provide an estimate of cost and work hours required, they did not provide that.

The data requested and the line of questioning is certainly relevant to the Priority Mail rates.

DBP/USPS-33 subpart a To require me to make a trip to Washington to look up in a report for want of not providing ten numbers is inappropriate. I asked for ten numbers, the total revenue and expenses for International Mail for the past five years, and the Postal Service should be required to provide that data. To refer me to a report, without even giving a page and line number, and require me to come to Washington is an attempt at reducing my due process rights. Furthermore, it would then require me to provide testimony to introduce the data into the record rather than just designating the response to the interrogatory.

For the reasons stated, I move to compel responses to the referenced interrogatories.

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#### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with Rule 12.

December 17, 2001

David B. Popkin