

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

OPPOSITION OF UNITED STATES POSTAL SERVICE TO DAVID B. POPKIN
MOTION TO COMPEL A RESPONSE TO INTERROGATORY DBP/USPS-84
(December 28, 2001)

The United States Postal Service hereby opposes David B. Popkin's Motion to Compel a response to interrogatory DBP/USPS-84. Mr. Popkin has failed to show that the requested information is relevant.

DBP/USPS-84 provides:

Please refer to your response to OCA/USPS-235.

- [a] For each of the twenty facilities, advise the days of the week that the listed service operates on.
- [b] For each of the twenty facilities, advise which, if any, of the legal holidays that the listed service operates on.
- [c] What mode of transportation is utilized for HCR route 56711 and does the route travel through Canada?
- [d] Confirm, or explain if you are unable to do so, that HCR route 56711 travels to Angle Inlet arriving at 11 AM and then travels to Oak Island arriving and departing at 11:55 AM and then returns to Angle Inlet and departs from there at 1:30 PM.
- [e] Confirm, or explain if you are unable to do so, that for the 12 Alaskan offices on the list showing a single time, that time is both the arrival and departure time.
- [f] Confirm, or explain if you are unable to do so, that for the 6 Alaskan offices on the list showing 2 times, that the first time is the arrival time and the second time is the departure time and that all times are on the same day [including Perryville where the second time is earlier than the first].
- [g] Confirm, or explain if you are unable to do so, that all Alaskan offices shown are served by Air except Chitina which is served by truck.

[h] Provide the origin of the flight or trip for the 18 Alaskan offices.

Mr. Popkin apparently believes that if he merely references a prior interrogatory response (to OCA/USPS-235), the relevance of his new questions is automatically established. This is not how discovery works. Interrogatory OCA/USPS-235 requested the times mail was delivered and picked up from post offices that do not receive daily deliveries of Express Mail and the response provided that information. Mr. Popkin claims that his questions are “relevant to clarify the data presented.” Plainly, Mr. Popkin’s latest inquiries go well beyond the desire to “clarify.” For instance, the mode of transportation used on the HCR referenced in the response to OCA/USPS-235 and whether that HCR goes through Canada are new inquiries, not requests for clarification of the previous response. As another example, a request for the origin of each of the flights or trips referenced in the prior response also goes off on a new tangent.

And what is the relevance of any of this? Is Mr. Popkin interested in Express Mail service or Express Mail rates? He does not even bother to try to link his questions to matters at issue in this proceeding. Fascination with the minute details of transportation operations in Alaska does not meet the required legal standard of relevance.

The Postal Service should not be required to answer. Thus, it requests that Mr. Popkin’s motion to compel be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

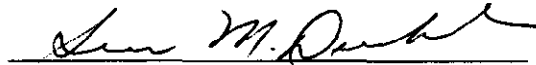
Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Susan M. Duchek

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.



Susan M. Duchek

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