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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

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

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

OPPOSITION OF THE UNITED STATES POSTAL SERVICE
TO MOTION OF DAVID POPKIN
TO COMPEL RESPONSES TO DBP/USPS-118-123
(December 28, 2001)

In accordance with Rule 26 of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby files this opposition to the December 21, 2001, motion of David Popkin seeking to compel a responses to DBP/USPS-118 to 123.

The complaint in this proceeding seeks an opinion from the Commission regarding two questions:

were the Postal Service's 2000-01 First-Class Mail service standard changes implemented in accordance with section 3661; and

do the changes result in the provision of service in accordance with the policies of the Act, within the meaning of section 3662.

The Postal Service has described the service standard changes at issue in this proceeding in a detailed Declaration and in response to hundreds of interrogatories. An issue that Mr. Popkin appears fixated on is the fact that the Postal Service did not make service standard changes for 17 remotely located "Outlier" postal facilities. The interrogatories in dispute seek operational minutiae pertaining to the outgoing mail at the 17 Originating Outlier offices identified in USPS Library Reference C2001-3/7. These are the offices for which no 2-day or 3-day service standard changes have be implemented for originating mail, for

the reasons explained in response to DBP/USPS-11(b), DBP/USPS-37, OCA/USPS-14 and DBP/USPS-89.

Where things stood on June 18, 2001, was that service standard changes had been implemented for all outgoing First-Class Mail, except for mail originating at the Outlier facilities. The Outlier facilities were to undergo a review beginning in September, 2001, and some adjustments might have been implemented shortly thereafter.

But, along came June 19, 2001. On that date, the complaint in this proceeding was filed. Soon thereafter, the Postal Service made a determination to *postpone the planned September 2001 Outlier review and to conduct that review and make appropriate changes after the resolution of the instant complaint proceeding.* As a result, First-Class Mail 2-day and 3-day service standards reflect conformance to the policies underlying the 2000-01 changes, except for mail originating from the 17 Outlier facilities. Thus, but for this self-imposed delay, the "Outlier" status of these 17 facilities would have disappeared by now.

In response to discovery, the Postal Service has identified these Outlier facilities and explained how and why their "Outlier" status accounts for mail processing and transportation arrangements that pre-date the 2000-01 changes affecting the rest of the postal network. In response, Mr. Popkin is overcome by the non-conformity of the Outlier facilities and has propounded discovery designed to plumb the depths of every aspect of the processing and transportation of mail originating at these facilities. He now wants to know more about the processing and transportation of mail at these facilities -- where service standards have not yet been changed -- than about the mail subject to the service standard changes which sparked the complaint in this proceeding.

The Postal Service invites the Commission attention to its December 14, 2001, objections to DBP/USPS-118-123.

DBP/USPS-118(c)

In his motion to compel, Mr. Popkin explains that he wants to determine the extent to which Outlier facilities other than Midland dispatch mail to facilities other than their parent Processing and Distribution Centers. Does he argue that the information is relevant or necessary to a resolution of any issue raised by the complaint in this proceeding? No. To him, simply wanting to know is sufficient grounds for requiring the Postal Service to survey its field operations to produce the requested information. If Mr. Popkin wants to argue that an Outlier's dispatch of mail to a facility other than its parent P&DC results in a *per se* violation of some policy of the Act, within the meaning of section 3662, he has Midland as an example to which to point. It is not necessary to have a complete list of every such instance in order to make his argument.

DBP/USPS-119

The Postal Service has explained that one of the objectives of the service standard changes at issue in this proceeding was to require that all 2-day and 3-day First-Class Mail from an originating postmarking facility to a destinating Area Distribution Center have the same service standard. This was not a requirement, previously. With the exception of the 17 Outlier facilities, this change has been implemented and the "split-ADC" is a relic of the past. The reason for the delay in implementing the Outlier changes has been explained. Non-conforming Outlier conditions are temporary, pending the outcome of this proceeding, which drags on because of questions like this one. It is immaterial to a resolution of the issues raised by the complaint in this proceeding why the North Houston ADC was established as a "split (2-day/3-day) destination" for purposes of mail from

Midland. We are now at the point of being asked what mail goes on which truck. The operational intricacies of how North Houston continues temporarily to be a split ADC for mail originating from Midland sheds no light on the question of whether implementation of the service standard changes at issue (including elimination of split ADC destinations) conformed to section 3661 or whether the service resulting from those changes (including elimination of split ADC destinations) conforms to the policies of the Act, within the meaning of section 3662. If, as Mr. Popkin argues, the purpose of DBP/USPS-119 is to determine "why" the mail from Midland to North Houston can have different service standards, the question is cumulative. The answer has been provided already: because the Postal Service has temporarily postponed implementation of changes that would eliminate the split.

DBP/USPS-120

Mr. Popkin argues the purpose of this interrogatory is to show the existence of the condition noted in DBP/USPS-119 in other parts of the county. To avoid squandering resources investigating meaningless minutiae, the Postal Service is prepared to stipulate that the condition exists at as many Outliers as there are home teams in the National Football League that win their final home game of the 2001 regular season. For purposes of testimony or brief, Mr. Popkin is free choose up to that many Outliers and assert, without fear of contradiction, that the condition noted in DBP/USPS-119 exists there. The existence of the condition elsewhere than from Midland to North Houston and the number of places where it exists are immaterial facts that are neither relevant nor necessary to a resolution of the issues in this proceeding.

DBP/USPS-121 and 122

Continuing a fixation on Midland, these interrogatories request a level of

operational detail for mail originating in Midland that is not necessary to a resolution of the issues in this proceeding. In DBP/USPS-121(e), Mr. Popkin even requests that the Postal Service list all instances nationwide where mail is transported to a destinating Processing and Distribution Center, as opposed to a destinating Area Distribution Center, and to discuss the reasons why.

Mr. Popkin argues that these interrogatories attempt to show the inconsistencies that exist at the Outlier facilities and the extent to which they do not meet the conditions of the service standards established for the remainder of the country.

The fact of the non-conformity of the Outliers has already been established, conceded, confessed, stipulated and admitted. The service standards for mail originating from the Outlier facilities is known. What might arguably be relevant to a resolution of the issues raised by the complaint in this proceeding are the reasons for the non-conformity. But those reasons also have already been provided. Descriptions and examples of the consequences of the non-conformity have been provided in response to interrogatories.

Even assuming these interrogatories are an attempt to reveal "the extent to which . . . [the Outliers] do not meet the conditions of the standards being established for the remainder of the country . . .," the fact remains that it is not necessary to know the level of detail requested by these interrogatories in order to resolve the questions raised by the complaint in this proceeding. The complaint in this proceeding seeks review of the changed service standards – the "non-Outliers," if you will. The extent to which the Outliers do not meet the conditions established for the remainder of the country is reflected in the service standards for mail originating from these Outlier origins, information provided in USPS Library Reference C2001-3/7 and in the interrogatory responses listed

above.

The burden involved in developing an answer responsive to DBP/USPS-121(e) is incalculable. It would require a complete review of the surface transportation network at the Area office and local level to generate the requested list. Then it would require communications with Area and local transportation and mail processing personnel to document the rationale for each truck trip that went directly to a destinating P&DC, as opposed to an ADC. Mr. Popkin identifies no issue raised by the complaint in this proceeding to which such information would be relevant or necessary to resolve.

DBP/USPS-123(d-t)

Mr. Popkin argues that the purpose of the numerous subparts of this interrogatory is to show that inconsistencies currently exist between the service standards for some mail originating at Outlier facilities and for mail originating at their parent P&DCs. But that was accomplished by the provision of USPS Library Reference C2001-3/7, which reflects all of the service standards for "changed" facilities and the non-conforming Outlier facilities, alike. Mr. Popkin argues that inconsistent situations should be corrected, if the mail from the Outlier is dispatched to destination through the parent facility. Whether or not that is an appropriate conclusion remains to be seen. However, until changes are made to the Outlier facility service standards, as was planned for September 2001, there will continue to be situations where the outgoing mail service standards for an Outlier and its parent P&DC are temporarily different for mail going to the same destination facility. It should be noted that the same situation existed for thousands of origin-destination pairs subsequent to the initial implementation of Docket No. N89-1 service standard changes in the early 1990's and before the changes at issue in this proceeding.

"Why" the service standards of an Outlier and a parent facility can be different has been explained. Clearly, when the Outlier facilities' service standards are eventually adjusted, one can expect a diminution in the nonconformity. But it is not necessary to know how the mail is dispatched from the Outlier to the parent facility and then to destination facilities in order to reach any conclusions about whether any current non-conformity in service standards between Outlier and parent facilities complies with the policies of the Act, if that is even an issue in this proceeding. The service standards are known. The differences are known. The Postal Service should not be burdened with explaining the intricacies mail processing and transportation for each of the Outlier and parent facilities listed in subparts (d) through (t) of this interrogatory.

Accordingly, the motion should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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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.



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