

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 THE UNITED STATES POSTAL SERVICE TO
DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO
INTERROGATORIES DBP/USPS-9 and 67
(December 31, 2001)

The Postal Service hereby opposes David B. Popkin Motion to Compel responses to interrogatories DBP/USPS-9 and 67. Mr. Popkin has failed to demonstrate the relevancy of his request.

Interrogatory DBP/USPS-9 reads as follows:

The reverse side of the Customer Copy of the Express Mail receipt Label 11-B provides the conditions for refunding the postage for those instances where overnight delivery is scheduled and is not accomplished. [a] Does this also apply to Second Day Express Mail where delivery is not accomplished by the second day after mailing? If so, why doesn't the receipt indicate so? [b] The back of the receipt indicates that refunds will not be made when detention was made for a law enforcement purpose. What types of activities would fit into that category? What section of the DMM authorizes that additional condition?

The Postal Service objected to the request on the grounds of relevancy and materiality. Mr. Popkin now tacitly contends that the Express Mail refund policy is relevant as "a component of the value of service to the mailer." While refunds are provided when Express Mail failures occur, refunds are not a component in determining Express Mail rates and, therefore, is not germane to

this proceeding. Without a greater showing from Mr. Popkin as to the relevancy of his request, the Postal Service must oppose his Motion to Compel.

Interrogatory 67 reads as follows:

Please refer to the response to OCA/USPS-25 subpart d. [a] Please confirm, or explain if you are unable to do so, that the term weekend is normally taken to mean both Saturday and Sunday. [b] Please provide a listing of all facilities that Post Office Boxes will not be accessible on Saturday. [c] What percentage of all facilities with Post Office Boxes will not be accessible on Saturday? [d] Please provide a listing of all facilities that Post Office Boxes will not be accessible on Sunday. [e] What percentage of all facilities with Post Office Boxes will not be accessible on Sunday? [f] Please provide a listing of all facilities that Post Office Boxes will not be accessible on Holidays. [g] What percentage of all facilities with Post Office Boxes will not be accessible on Holidays? [h] Please confirm, or explain if you are unable to do so, that the term Express Mail street delivery refers to deliveries that are normally made by city delivery, rural delivery or HCR delivery carriers. [i] Please provide a listing of all facilities that normally provide street delivery on weekdays that do not provide Express Mail street delivery on Saturday. [j] What percentage of all facilities that normally provide street delivery on weekdays do not provide Express Mail street delivery on Saturday? [k] Please provide a listing of all facilities that normally provide street delivery on weekdays that do not provide Express Mail street delivery on Sunday. [l] What percentage of all facilities that normally provide street delivery on weekdays do not provide Express Mail street delivery on Sunday? [m] Please provide a listing of all facilities that normally provide street delivery on weekdays that do not provide Express Mail street delivery on Holidays. [n] What percentage of all facilities that normally provide street delivery on weekdays do not provide Express Mail street delivery on Holidays? [o] Please confirm, or explain if you are unable to do so, that the acceptance clerk at the originating facility will not be aware of whether or not it will be possible to obtain weekend or holiday delivery. [p] Please confirm, or explain if you are unable to do so, that the mailer may not be aware of whether or not it will be possible to obtain weekend or holiday delivery.

The Postal Service objected to this request on the grounds of relevancy and burden. Again, Mr. Popkin argues that his request is relevant because “weekends and/or holidays is a component of value of service to the mailer.” As

already stated, his request simply has no relevancy to any issue that is before the Commission in THIS proceeding. There are no WEEKEND or HOLIDAY Express Mail rates. Therefore, to provide information in the disaggregate form that Mr. Popkin has requested would undoubtedly be of no value to the fact finders.

Mr. Popkin has also misstated the requirement of Rule 26(c). That rule requires, when a claim of undue burden is made, to provide an estimate of cost and work hours required to answer the interrogatory, *to the extent possible* (emphasis added). The information requested is voluminous in nature and, to a large extent, must be compiled manually. Preliminary figures from Delivery and Retail personnel estimate 100s of manhours would have to be expended to satisfy Mr. Popkin's request. The Postal Service can ill afford to waste its limited resources on this baseless request. For that reason, the Postal Service opposes Mr. Popkin's Motion to Compel.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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Joseph K. Moore

December 31, 2001

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.



Joseph K. Moore

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December 31, 2001