

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes, 2001

Docket No. R2001-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES  
DBP/USPS-93, 101, 121, 98[b], 100[b] and 96.

January 4, 2002

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

Respectfully submitted,

January 4, 2002

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

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DBP/USPS-93 This interrogatory is divided into three separate categories. Subparts a through d follow-up on the numerical data provided in response to OCA/USPS-292, subparts e through g follow-up on the question of to what extent the weekday response to OCA/USPS-292 relates to all five weekdays, subparts h and i follow-up on the question of to what extent the Saturday response to OCA/USPS-292 references fewer collection boxes than the weekday response [or to put it another way, what percentage of the collection boxes that are collected on a weekday are not collected on Saturday].

Commission Rule 26[a] allows for follow-up interrogatories to clarify or elaborate on the answer to an earlier discovery request. To take a specific example in subpart b, I am requesting that the Postal Service elaborate on the response that stated that in 2001 there were 25% of the boxes that had a final weekday collection time between 4 PM and 4:59 PM into breaking that down that value into four separate categories. While a broader inquiry would have provided a broader response, it is still permissible to ask the Postal Service to elaborate on their responses to break down their responses into different categories.

The inquiries contained in my follow-up subparts a through d are needed to fully evaluate the level of service that is being provided in collection boxes. Because of the larger percentages that are in the categories requested and because of the perceived [and therefore attempting to resolve] instances where there are many collection boxes that are collected early in the morning or are collected shortly before 5 PM when they should be collected at 5 PM or later because they develop over 100 pieces of mail daily, or where they are collected at 5 PM as opposed to the later time that they are actually collected. These breakdowns are an attempt to further observe the extent to which the Postal Service is complying with the provisions of the Postal Operations Manual in providing the level of service that they are mandated to.

I am willing to accept the data provided in their opposition as a response to subparts e through g.

The Postal Service does not provide an objection to a response to subparts h and i relating to the percentage of collection boxes that are not collected on a Saturday and the reasons for that. This is certainly a proper clarification and elaboration of the response to OCA/USPS-292 by determining the number of boxes to which the weekday and Saturday responses refer. For example, if the weekday response refers to 300,000 boxes and the Saturday response refers to 240,000 boxes, then the response would be 20% are not collected on Saturday. Based on my past experience, there are many collection boxes that are not receiving a mandated Saturday collection.

Regarding the claimed burden to provide the requested information, it would appear that most of the programming has already been done in providing the information to the original interrogatory and it would only be necessary to repeat the already designed computer run with a different set of parameters. However, if it will reduce the burden, I am willing to accept the data for 2001 only or to accept the raw data of the final weekday and Saturday collection times so that I can do the percentage evaluation myself.

DBP/USPS-101 While the present FedEx contract does not provide for a mileage component in the charge to the Postal Service, in general, the costs to a transportation carrier will increase based on the distance the article is transported. The costs to FedEx are probably based that a certain profile of distances that articles are transported will exist and that the rates that FedEx and the Postal Service will arrive at in the future will be based on FedEx's evaluation of the profile of distances articles are transported and will increase if there is an increase in the profile. If the Presiding Officer and others felt it was relevant to ask questions and receive responses regarding the use of the Memphis FedEx Hub, a response to this interrogatory is equally relevant.

DBP/USPS-121 For the same reasons as noted in DBP/USPS-101 above, a response is relevant. To the extent that a response will contain commercially sensitive data, then it should be specifically identified and justified and then provided under protective conditions. It is noted that the response to the Presiding Officer's Inquiry stated the origin and destination of the mail and the FedEx Hub utilized.

DBP/USPS-98 subpart b. In the Objection the Postal Service states, "The Postal Service is still formulating the proposal and discussing its contents." It would be nice if the Postal Service completed its evaluation of a DMCS change before it filed its request with the Commission. The proposed DMCS change with respect to Express Mail refund limitations is overly broad and restrictive and the DMM interpretation is important to a full evaluation of the proposed DMCS change.

DBP/USPS-100 subpart b. The time that the proposed changes to the DMCS with respect to Express Mail refund limitations were determined is relevant. A literal interpretation of the wording of the proposed changes to the DMCS will eliminate virtually all refunds and the extent to which these proposed changes were made and determined prior to the events of September 11<sup>th</sup> [only 13 days prior to the filing of the complete proposal] will be relevant to my full evaluation and briefing of this proposed change.

DBP/USPS-96 While the topic of DBP/USPS-96 may be different from the topic of OCA/USPS-299, it does attempt to clarify the response. In the third paragraph of the response to OCA/USPS-299, the Postal Services states, "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."

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.

January 4, 2002

David B. Popkin