

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 A RESPONSE TO DBP/USPS-136(d-f)  
AND REPLY TO COMMENTS REGARDING DBP/USPS-137(m-o)  
(January 10, 2002)

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 January 4, 2002, motion of David Popkin seeking to compel a response to DBP/USPS-136(d-f). The Postal Service also responds to Mr. Popkin's comments regarding DBP/USPS-137(m-o).

DBP/USPS-136(d-f)

Like interrogatory DBP/USPS-141, to which the Postal Service objected on January 7, 2002, this interrogatory seeks an explanation of the differences in the Postal Service's application of the Domestic Mail Classification Schedule wording regarding the handling of the First-Class Mail subclasses that result in different service standards for (a) the Letters and Sealed Parcels and the Cards subclass and (b) Priority Mail.

Mr. Popkin argues in his motion that "the differences that apply between the three subclasses are relevant to this case and are necessary to fully evaluate the methods by which the service standards meet the requirements of the DMCS which are an indication of the statutory requirements." As explained below, that simply is not the case.

Assume this were a proceeding brought for the purpose of considering the application of sections 3622 or 3623 to a proposed rate or classification change

in the Letters and Sealed Parcels and the Cards subclasses. The logic of Mr. Popkin's argument would dictate that such a case automatically be expanded to include an exploration of Priority Mail rate and classification issues simply because all three were First-Class Mail subclasses and because the same statutory pricing and classification criteria apply to all three subclasses. After all, how could the Commission possibly apply those same criteria to reach different conclusions about different First-Class Mail subclasses?

The current case does not involve Priority Mail. How and why the Priority Mail service standards vary from the Letters and Sealed Parcels/Cards service standards has no bearing on the question of whether the changes in the Letters and Sealed Parcels/Cards service standards for two-day and three-day mail between specific origin-destination pairs described in Mr. Carlson's complaint were implemented in a manner consistent with the requirements of section 3661. Likewise, the question of whether the service standard changes for Letters and Sealed Parcels/Cards at issue result in service for those subclasses that does not conform to the policies of the Postal Reorganization Act, within the meaning of section 3662, has no relation to the question of how and why the Priority Mail service standards are different from the pre-2000 or the current Letters and Sealed Parcels/Cards service standards.

Accordingly, the motion to compel should be denied.

DBP/USPS-137(m-o)

As the Commission is perhaps acutely aware, from time to time, the Postal Service and Mr. Popkin have their differences. Probably more often than it would like, the Commission is called upon by both parties to resolve those differences. Mr. Popkin's expression of willingness to accept a Postal Service response to DBP/USPS-137(m-o) under appropriate protective conditions is a welcome

statement. It serves to reinforce the argument advanced by the Postal Service in connection with interrogatories DFC/USPS-1 and DFC/USPS-9 that the issues raised by the complaint in this proceeding are susceptible to resolution in a manner which provides intervenors with access to relevant, commercially sensitive and privileged postal data in a manner that respects the sensitive nature of the data in question. Postal Rate Commission scrutiny of First-Class Mail service within the bounds of section 3662 can be accomplished in a manner that achieves the public purposes of section 3662, while protecting the proprietary interests of the Postal Service, provided the participants in Commission complaint proceedings are willing to concede that discovery is a means to an end, and not an end unto itself.

The Postal Service regards the resolution of the dispute regarding the application of protective conditions to the responses to DFC/USPS-1 and DFC/USPS-9 as controlling on the question of intervenor access to information requested by DBP/USPS-137(m-o). Accordingly, the Postal Service intends to respond to that latter interrogatory in a manner consistent with its response to the Commission's resolution of the dispute regarding the former interrogatories. In the meantime, the Postal Service's hopes for the new year include continued Postal/Popkin harmony.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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Ratemaking

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Attorney

### **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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Michael T. Tidwell

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January 10, 2002