

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

RECEIVED

JAN 28 11 35 AM '02

Postal Rate and Fee Changes, 2001

Docket No. R2001-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES
DBP/USPS-152 and 159-165
January 28, 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 28, 2002

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

DBP/USPS-152 and 159-165. The Postal Service claims that these follow-up interrogatories are moot based on the settlement procedures that are in process. While many of the parties have agreed on settlement, it is still up to the Commission to rule on the appropriateness of the settlement prior to issuing a Recommended Decision. Responses to my interrogatories may be designated for inclusion in the record of this Docket and the Commission is free to consider them in determining its Recommended Decision.

The Postal Service also claims that my Interrogatories DBP/USPS-152, 159-161, and 165 are not proper follow-up because the questions raise issues for which the discovery period has expired.

DBP/USPS-152 This interrogatory is attempting to clarify that the delivery will actually be attempted of the Express Mail as opposed to the response that indicated that the mail will be there with the capability for timely delivery.

DBP/USPS-159 This interrogatory is attempting to clarify the confusing response that was provided to DBP/USPS-115 subpart a. The question is attempting to determine whether a postal service window must be open to allow for Express Mail to be deposited prior to a cutoff time and achieve the appropriate delivery standards. In other words, can a post office establish a cutoff time on Tuesday [such as 9 AM] which is before it is possible to deposit mail [the service window doesn't open until 10 AM] so that it would have to be mailed on Monday to achieve the "overnight" service day of Wednesday for mailing on Tuesday?

DBP/USPS-160 The response to DBP/USPS-115 subpart b states, "This information is not available." My follow-up interrogatory attempts to get the information. I chose to follow-up by trying to get the information that is obviously available rather than filing a Motion to Compel. It is therefore a proper follow-up.

DBP/USPS-161 The response to DBP/USPS-118 subparts a through d states, "No change was made." My follow-up interrogatory attempts to clarify the claimed response. Previous information indicated that this condition [Attempted delivery to a post office box to which access was not available would qualify as a failure] is a change in policy.

DBP/USPS-165 The response to DBP/USPS-120 subpart a does not appear to be correct and DBP/USPS-165 attempts to clarify this response and provides a specific example in that attempt.

These interrogatories are relevant to the value of Express Mail.

For the reasons stated, I move to compel responses to the referenced interrogatories.

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 28, 2002

David B. Popkin