

# DOCKET SECTION

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

RECEIVED  
SEP 29 5 56 PM '97  
POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 1997

Docket No. R97-1

OBJECTION OF UNITED STATES POSTAL SERVICE TO INTERROGATORY  
OF DAVID B. POPKIN DIRECTED TO THE UNITED STATES POSTAL SERVICE  
(DBP/USPS-54(BB (IN PART), KK-TT)),  
AND MOTION FOR LATE ACCEPTANCE  
(September 29, 1997)

In accordance with Rules 25 and 26 of the Commission's Rules of Practice and Procedure, the Postal Service hereby objects to interrogatory DBP/USPS-54(bb (in part), and kk-tt), directed to the Postal Service and filed on September 10, 1997, and moves for late acceptance of this objection. Presiding Officer's Ruling No. R97-1/21 established September 25, 1997 as the due date for filing objections to this and other interrogatories that were filed by Mr. Popkin on September 10, 1997. However, the Postal Service did not identify these 11 parts out of the 56 parts of this interrogatory as being objectionable until yesterday, when partial draft responses were being reviewed. The large quantity of interrogatories from Mr. Popkin (estimated to be nearly 1,000 separate parts), especially during this heavy period of discovery, made it impracticable for Postal Service attorneys to do a complete review of the interrogatories by Thursday, September 25. Moreover, the grounds for this late objection are about the same as the grounds for another objection (DBP/USPS-16) that was filed on September 25. Therefore, the Postal Service believes that the filing of this objection two business days late will not prejudice Mr. Popkin, who will not

have to address new issues in any motion to compel, and can probably move to compel responses to this interrogatory at the same time as he moves to compel any other responses on which he disagrees with the Postal Service's objections.<sup>1</sup>

Interrogatory DBP/USPS-54(bb) asks the Postal Service to confirm that the proposed single sale stamped envelope fee will apply to all plain stamped envelope non-bulk sales, including sales of precancelled envelopes for philatelic purposes, regardless of the type or design (except for hologram envelopes). Witness Needham will respond with respect to non-philatelic sales of envelopes. However, philatelic pricing issues are beyond the scope of this proceeding.

Interrogatory DBP/USPS-54(kk-tt) asks a series of questions apparently concerning the application of the Philatelic Fulfillment Service Center's shipping and handling charge to printed stamped envelope sales. These questions concern philatelic pricing issues that are beyond the scope of this proceeding. Moreover, Mr. Popkin already has raised this issue to the Commission in Docket No. C95-1. The Commission concluded that the shipping and handling charge does not constitute a

---

<sup>1</sup> The Postal Service is sending this pleading by Express Mail to Mr. Popkin today.

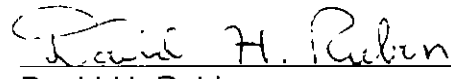
fee for a postal service within the scope of 39 U.S.C. §3662. Order No. 1088 at 4.  
Mr. Popkin should not be allowed to relitigate this issue in the current proceeding.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

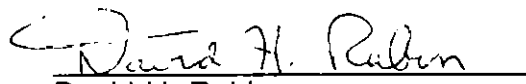
By its attorneys:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

  
\_\_\_\_\_  
David H. Rubin

**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.

  
\_\_\_\_\_  
David H. Rubin

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-2986; Fax -5402  
September 29, 1997