

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

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

OBJECTIONS OF THE UNITED STATES POSTAL SERVICE TO
INTERROGATORIES OF DAVID POPKIN
(April 12, 2004)

The United States Postal Service hereby submits its objections to the following interrogatories filed by Mr. Popkin on April 5, 2004: DBP/USPS-151-156.

Broadly speaking, this proceeding was instituted for the purpose of resolving two related, but independent issues: whether the 2000-01 First-Class Mail service standard changes were implemented in a manner consistent with the terms of 39 U.S.C. § 3661; and whether, on at least a substantially nationwide basis, the service resulting from those changes fails to conform to some policy of the Postal Reorganization Act.

Through discovery, the parties in this proceeding have explored various facets of the implementation of the disputed 2000-01 service standard changes and their impact. The Postal Service has recognized the need for some leeway in allowing the parties to explore the issues raised by the complaint in this proceeding. Accordingly, the Postal Service has exercised restraint in objecting to numerous discovery requests that, in its view, have sought information that is neither necessary nor relevant to a resolution of the material issues raised by the complaint. However, there are limits to what should be tolerated.

Explanation of the changes at issue in this proceeding requires acknowledgment of some tangential matters, such as the Policy For Requesting a Change In Service Standards. That document serves as a template for review of routine, locally-generated service standard change requests, including those which would seek to modify changes implemented in 2000-01. Acknowledging the existence of routine changes that are not

within the scope of this proceeding and the existence of a policy for handling them does not make those requests – or an understanding of the procedures for submitting and reviewing them – pertinent to the resolution of the issues raised by the complaint in this proceeding. Acknowledgment and limited disclosure of a number of matters tangential to the issues in this proceeding is unavoidable. However, the fact that such matters are disclosed does not then expand the scope of discovery in this proceeding to encompass unlimited exploration of every such tangent. Most parties seem to have a great measure of respect for the Commission’s policy of restricting discovery to matters that are relevant and necessary to the resolution of the material issues raised in a particular proceeding. Unfortunately, others seem to be less inhibited by that limitation.

In response to interrogatory DFC/USPS-T1-24, the Postal Service disclosed the updated version of the Policy For Requesting A Service Standard Change.¹ As has been abundantly clear from the outset of this proceeding when it was first disclosed, this document pertains to routine local requests for service standard changes, not the changes implemented in 2000-01, which are the subject of this proceeding. There was a moratorium on local requests during the implementation of the 2000-01 service standard changes. Since the lifting of that moratorium, local requests have been submitted and acted upon.

The local request policy was not relevant to the 2000-01 changes at issue in this proceeding, for the simple reason that the 2000-01 changes did not emanate from local requests.

It is immaterial to this proceeding and irrelevant to the resolution of the issues in this proceeding:

- whether mail originating in the 212 3-digit ZIP Code area is processed in the same physical plant as mail originating in the 210 and 211 3-digit ZIP Code areas (DBP/USPS-151(a)); or

¹Which superseded the version originally filed as part of USPS Library Reference C2001-3/1.

- whether isolation and separate processing would apply to all mail classes and rate categories there (DBP/USPS-151(b)); or
- what the explanation might be if no such isolation and/or separation occurs for those ZIP Codes; or
- whether and why any similar isolation and separate processing occurs at any other postal facilities and what 3-digit ZIP codes prefixes are attached to those facilities (DBP/USPS-151(d)).

Accordingly, the Postal Service objects to these interrogatories.

The Postal Service also objects to DBP/USPS-152, which also seeks information irrelevant to the issues raised by the complaint in this proceeding. The issue of whether different service standards can apply within the same 3-digit ZIP Code subject to a local service standard request is irrelevant to the issue of the propriety and nature of the changes implemented in 2000-01. In fact, Mr. Popkin would do well to review the record in this proceeding to determine whether the issue has already been explored in the relevant context, instead of seeking to explore it in a tangential, irrelevant context.

Interrogatories DBP/USPS-153 and 154 reveal that Mr. Popkin is aware of changes in the text of the original 1996 Policy For Requesting A Service Standard Change. The Postal Service should not be burdened with preparing interrogatory responses for the sole purpose of confirming that Mr. Popkin's eyes do not deceive him. And, because the document and its various subparts pertain to local service standard change requests that are not the focus of this proceeding, it is immaterial to the issues in this proceeding why the Postal Service would change the text, the font, or the format of the document between 1996 and the present.

Likewise, if Mr. Popkin desires a catalog of every difference between the 1996 version and the current version, he is perfectly free, without burdening the Postal Service via interrogatory DBP/USPS-155, to sit the versions side-by-side and prepare his own list.

Finally, in DBP/USPS-156, Mr. Popkin refers to wording in the Policy for

Requesting A Service Standard Change that asks local postal officials seeking a local service standard change to offer a judgment regarding whether their request could generate political inquiries.² In interrogatory DBP/USPS-156, he uses this as a platform for asking whether political inquiries – which, in the Postal Service’s view, are made on behalf members of the public – are given greater or lesser consideration than a similar inquiry coming directly from a member of the public.

The question of how incoming inquiries – from the public or from public representatives – that pertain to local service standard changes are processed and handled internally by the Postal Service is patently irrelevant to this issues raised by the complaint in this proceeding.

As the requested information is nether relevant nor necessary to a determination of the issues in this proceeding, the Postal Service should not be burdened with expending its limited resources in its pursuit.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

Daniel J. Foucheaux
Chief Counsel
Ratemaking

Michael T. Tidwell
Attorney

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260–1137
(202) 268-2998/ FAX: -5402
michael.t.tidwell@usps.gov

² The equivalent of: “We’re here at Headquarters. We don’t know North Palooka like you do. Therefore, please give us your best judgment as to whether changing the service standard between Palookaville and Palookaville Heights, as you have requested, is a sensitive political issue out there in North Palooka. We’d like to be in a position to give a heads-up to our colleagues in Government Relations, who would be responsible for responding to any inquiries our decision might generate from the Mayors, the Governor, the Congressional representatives and Senators.”

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.

Michael T. Tidwell

April 12, 2004