

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

EXPERIMENTAL PRIORITY MAIL  
FLAT-RATE BOX, 2004

Docket No. MC2004-2

DAVID B. POPKIN  
MOTION TO COMPEL RESPONSE TO INTERROGATORIES DBP/USPS-T2-13 and 19

July 9, 2004

I hereby submit my Motion to Compel.

Respectfully submitted,

July 9, 2004          David B. Popkin, PO Box 528, Englewood, NJ 07631-0528

MC20042G

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On June 21, 2004, I filed interrogatories DBP/USPS-T2-13 and 19. The Postal Service filed an objection on July 1, 2004. Each of these interrogatories requests provision of preliminary drafts, immediately if they exist, or at an expected future date, if not yet existent. Specifically, interrogatory 13 seeks draft graphics and text for the proposed flat-rate boxes at issue in this proceeding, and interrogatory 19 seeks a communications plan for the same proposed flat-rate boxes.

My major concern in this proceeding is to determine the efforts that the Postal Service will be making to ensure that members of the public will be able to make an educated decision as to whether to utilize the existing weight-zone rated postage or the proposed flat-rate postage for their mailings. Since the proposed flat-rate will not be at the minimum Priority Mail postage rate, it would be possible for the user of the flat-rate box to pay a higher postage rate than would be required under the existing weight-zone rated postage. I believe that the design of the flat-rate box and the instructions to the window clerks and other publicity is important to ensure that members of the public will be able to make an educated choice to which rate to utilize.

The Postal Service objected to these interrogatories on the grounds that provision of

the requested draft materials would not be probative of any relevant issue, since the draft materials may not even exist, and because they would, by definition, be subject to change at a future date.

If the draft materials do not exist, it is important that they be developed and made a part of the record so that I and others would be able to evaluate them to determine the effort that the Postal Service is making to ensure that mailers are properly informed. If draft copies exist, they should be provided. Ensuring that the public will be able to make an education decision as to utilize or not-utilize this rate is a most relevant issue. Until the boxes are actually printed and the communications disseminated, they are still a draft version and are subject to revision [with potentially the requirement of filing a revised response to the appropriate interrogatory.]

Furthermore, the Postal Service believes that any such materials would be predecisional agency material, disclosure of which would interfere with the Postal Service's internal decision making process. The Postal Service is the one that is making the request for a new rate and the intervenors have the right to know the information that was discussed in arriving at the proposal.

For the reasons provided, I request that my Motion to Compel be granted.

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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.

July 9, 2004

David B. Popkin