

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

EXPERIMENTAL PRIORITY MAIL
FLAT-RATE BOX, 2004

Docket No. MC2004-2

DAVID B. POPKIN OPPOSITION TO THE MOTION OF THE UNITED STATES POSTAL
SERVICE FOR CONSIDERATION OF THE STIPULATION AND AGREEMENT AS THE
BASIS FOR RECOMMENDED DECISION

August 12, 2004

Respectfully submitted,

August 12, 2004

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

MC20042R

On August 10, 2004, the Postal Service filed the Motion of the United States Postal Service for Consideration of the Stipulation and Agreement as the Basis for Recommended Decision ["Motion"]. The filing of this Motion is premature. Discovery is still outstanding and I would like to evaluate the responses to the outstanding discovery, in particular but not limited to, the responses to DBP/USPS-T2-13 which seeks draft copies of the graphics and text that would appear on the flat-rate Priority Mail boxes and DBP/USPS-T2-19 which requests production of any draft copies of the communications plan the Service intends to use in introducing the flat-rate boxes. Presiding Officer's Ruling No. MC2004-2/2 issued on July 26, 2004, compelled a response to these two interrogatories¹. It would appear that the Postal Service ignored my concerns in their Second Status Report on Settlement filed August 5, 2004.

I believe that it is important that the Commission take whatever steps necessary to ensure that the Postal Service will inform mailers of the distinction between the flat-rate and non-flat-rate boxes and their associated rates to ensure that mailers will be able to make an educated decision and not have a similar situation that existed during the previous rate cycle where the Priority Mail flat-rate envelope had a rate which was not the minimum postage rate as it had been both prior to that rate cycle and in the current rate cycle.

¹ The reasons provided in my Motion to Compel Response to Interrogatories DBP/USPS-T2-13 and 19 filed on July 9, 2004, are incorporated by reference.

For the reasons provided, the Motion shall either be dismissed as premature or held in abeyance until discovery is complete and the participants have had time to evaluate the responses.

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.

August 12, 2004

David B. Popkin