

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-7-9

August 12, 2004

I hereby submit my Motion to Compel.

Respectfully submitted,

August 12, 2004

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

MC20042S

On July 27, 2004, I filed interrogatories DBP/USPS-7 through 9. The Postal Service filed an objection on August 6, 2004. These interrogatories attempted to obtain information with respect to whether mailers should be able to make educated decisions in using the Postal Service, whether they require information to make these decisions, and whether the Postal Service feels it has an obligation to provide this information.

In the Objection, the Postal Service states that similar interrogatories have already been responded to in DBP/USPS-T1-12 on July 27, 2004, and in DBP/USPS-T1-5d on July 7, 2004. The response to DBP/USPS-T1-12 provided a personal opinion and response of the witness which I felt was not fully responsive. The response to DBP/USPS-T1-5d stated that the communications plan has yet to be determined.

These interrogatories were asked during the discovery period and therefore did not have to follow-up on any specific interrogatory. If a Postal Service witness provides a personal opinion and response, asking the Postal Service as an Institution does not make it cumulative, redundant, or duplicative. Furthermore, the single interrogatory was broken up into three separate questions in an attempt to obtain a satisfactory response.

The Postal Service states that these interrogatories are vague and insufficiently specific. The words that they refer to have a sufficiently definitive meaning in the English Language and if necessary they can elaborate on them in the response.

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

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