

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

EXPERIMENTAL PREMIUM
FORWARDING SERVICE

Docket No. MC2005-1

OPPOSITION OF UNITED STATES POSTAL SERVICE
TO DAVID B. POPKIN MOTION
TO COMPEL RESPONSE TO DBP/USPS-T1-51
(January 19, 2005)

In accordance with Rule 26(d) of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby files its answer to the David B. Popkin Motion to Compel Response to DBP/USPS-T1-51, filed on January 12, 2005. The Postal Service filed an initial, partial objection to DBP/USPS-T1-51 on January 5, 2005, and submitted its response on January 12, 2005. For the reasons presented herein, the Postal Service respectfully opposes Mr. Popkin's motion to compel.¹

The interrogatory in question states:

DBP/USPS-T1-51.

- (a) Please explain, in general, the steps taken in processing mail that arrives at an address in which the customer has filed a Change of Address Order.
- (b) Please indicate the normal time frames for each of the actions to be taken. For example, if a letter arrives at the delivery unit on a Monday, when will that letter be entered into the system with the new address?
- (c) Are forwarded letters normally handled with the same delivery standards [1-, 2-, or 3-days] as other letter mail is?
- (d) If not, please explain.
- (e) Please advise the action taken with each of the classes of mail [for example, First-Class Mail/ Priority Mail/ Express Mail/ Standard Mail/ Package Services/ Periodicals/ etc.] with a temporary vs. permanent Change of Address Order.

¹ Consistent with Rule 26(d), the arguments presented in this answer supplement the arguments presented in the Postal Service's initial objection to DBP/USPS-T1-51.

This interrogatory queries the Postal Service, in the broadest possible fashion, about temporary and permanent forwarding procedures. Its various parts request information about how each class of mail is processed under a temporary or permanent Change of Address Order, the “normal time frames” for such processing, and whether forwarded mail is processed subject to certain “delivery standards.”² The Postal Service partially objected to the interrogatory on the grounds of relevance and overbreadth. The Postal Service noted that forwarding procedures for mail that requires a scan at delivery are relevant to this proceeding because such mail would be handled operationally under Premium Forwarding Service (PFS) as if a forwarding order were in effect.³ At the same time, however, the Postal Service argued that forwarding procedures for mail that does not require a scan at delivery are irrelevant to this proceeding because such mail would instead be handled according to distinct PFS procedures.

In his brief Motion to Compel, Mr. Popkin argues that a complete response to his interrogatory (that is, a response that discusses the full range of forwarding procedures) is necessary in order to assess the “value” of the PFS proposal. Such a response to Mr. Popkin’s interrogatory, however, would necessarily require an extensive discussion that touches on PARS, the Computerized Forwarding System, and Domestic Mail Manual distinctions involving mail class and endorsement. Such a discussion would add nothing useful to the record concerning the value of PFS when compared to

² The Postal Service has previously noted the fact that part (a) of the interrogatory, which asks about the processing of mail “that arrives at an address” that is the subject of an active forwarding order, excludes the vast majority of forwarded mail. See Partial Objection at n.1. Doubting that this artifact of his lexical choice was intentional, the Postal Service interprets that and other parts as requesting a discussion of the forwarding procedures for mail in general.

³ The Postal Service thus provided on January 12, 2005 a partial response to the interrogatory describing how mail requiring a scan at delivery is handled under a forwarding order.

temporary and permanent forwarding, but would instead constitute a needless diversion from the material issues of this limited proceeding.⁴

Postal Service witness Koroma ties the value of PFS primarily to two differences between PFS and the existing forwarding options. First, PFS would involve the reshipment of all of a customer's mail, either inside or outside the PFS package, whereas forwarding applies only to certain classes.⁵ Second, PFS would bundle substantially all of the customer's mail into a single PFS shipment, whereas forwarding is done piece-by-piece.⁶ The Postal Service has thus described PFS throughout the record as a service predicated on meeting customer demand for service features (*i.e.*, the two features described above) that are not currently available through temporary and permanent forwarding.⁷

Despite any assertions to the contrary by Mr. Popkin, the additional information sought by his interrogatory would add nothing to the record concerning the differences between PFS and forwarding that are relevant to a determination of the value of PFS. In other words, a detailed discussion of how each class of mail is processed under a Change of Address Order would add nothing to the record's reflection that forwarding does not encompass all classes of mail, and that forwarding is done piece-by-piece. As

⁴ If Mr. Popkin is really interested in making an argument regarding the value of PFS based on the forwarding procedures not implicated by the PFS proposal, he can already do so by following links he was provided in the responses to DBP/USPS-T1-28 and DBP/USPS-T1-17.

⁵ See USPS-T-1 at 7, USPS-T-4 at 4.

⁶ See USPS-T-1 at 1, USPS-T-4 at 4. This bundling would be convenient for customers, and, when combined with a standard shipment date, would allow for predictable and consistent delivery of their mail. See Response of Postal Service Witness Cobb to OCA/USPS-T1-8 (December 13, 2004).

⁷ See USPS-T-4 at 5 ("The Postal Service is proposing a new option for patrons who want all their mail reshipped in a manner not provided by the existing options.").

such, the record already adequately explains those differences between forwarding and PFS that are relevant to determining the value of PFS.

The third argument made by the Postal Service regarding the value that would be provided by PFS is its use of Priority Mail.⁸ The fact that PFS would provide for the bundled reshipping of mail necessarily required a determination as to the class of mail in which to send the PFS package, and the Postal Service decided that Priority Mail would be used, consistent with the goal of expeditiously getting the mail to the customer (in keeping with the premium nature of the service).⁹ The use of Priority Mail is thus intrinsically tied to the fact that PFS is a premium service in which substantially all of a customer's mail would be bundled and reshipped in a single package. A consideration of the time frames in which specific forwarding procedures occur (which would necessarily require a discussion of the specific procedures themselves) would add nothing to the record about why Priority Mail would be used or how its use adds value to PFS, because those procedures are completely irrelevant and immaterial to that aspect of PFS. Indeed, Mr. Popkin fails to articulate in his motion how the information requested either could be used to rebut the Postal Service's arguments on the value of PFS service, or how it could be used to sustain any other contrary or supporting arguments.

The irrelevance to this proceeding of forwarding procedures for mail that does not require a scan at delivery is further demonstrated by the fact that PFS procedures

⁸ See USPS-T-4 at 10.

⁹ See, e.g., Response of Postal Service Witness Cobb to OCA/USPS-T1-12 (January 10, 2005), Response of Postal Service Witness Cobb to OCA/USPS-T1-34(g) (January 5, 2005).

would be distinct from such forwarding procedures.¹⁰ Thus, even if one leaves aside Mr. Popkin's professed justification about using a description of forwarding procedures to argue about the "value" of PFS, and instead considers whether forwarding procedures are relevant for some other reason, the answer is clearly "no." While it is true, as the Postal Service has noted, that forwarding and PFS would share some similarities beyond those already described in the partial response to DBP/USPS-T1-51,¹¹ none of those similarities can be characterized as making the entirety of mail forwarding processes relevant.

The ways in which forwarding service relates to PFS are thus already discussed extensively in this docket. A further response to Mr. Popkin's interrogatory could, at most, highlight differences in the processing procedures for forwarding and PFS that have no relevance to the value of PFS or to PFS in general. This conclusion is especially true considering the fact that the Commission has agreed to consider PFS

¹⁰ See, e.g., USPS-T-1 at 4, 10 (noting that PFS procedures and forwarding procedures are "operationally incompatible" with one another, and that undeliverable-as-addressed endorsements that impact forwarding are "wholly inapplicable" to PFS mail). The DMCS language proposed by the Postal Service reflects the fact that PFS and forwarding procedures would be distinct. See Request for a Recommended Decision, Attachment C, proposed DMCS section 937.21 (stating that PFS could not be used simultaneously with temporary or permanent forwarding). Overall, PFS "was conceived as an exclusive alternative to temporary or permanent forwarding, not as an option that could be mixed with existing options." Response of Postal Service Witness Cobb to DBP/USPS-T1-44 (January 4, 2005).

¹¹ See, e.g., USPS-T-1 at 6, 8-9. The similarities between forwarding and PFS include the fact that PFS, like forwarding, would not be available to customers who receive their mail at a central delivery point, and would be available to an entire household or an individual addressee at a given address. In addition, PFS would be similar to temporary forwarding in that it would be available for a period between 2 weeks and 1 year. None of these similarities, however, concern the actual procedures by which forwarded mail is processed and PFS mail would be processed.

under its experimental rules (Rules 67-67d).¹² Those rules are designed to simplify and expedite the Commission review process. Considering the limited scope of this proceeding, there is no reason to engage in broad-based discovery like that in interrogatory 51 on a topic that is, at best, only tenuously related to PFS.

For the foregoing reasons, the Postal Service hereby requests that the Commission deny Mr. Popkin's Motion to Compel.

Respectfully submitted,

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¹² See Tr. 1/5.