

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

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EXPERIMENTAL PREMIUM  
FORWARDING SERVICE

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Docket No. MC2005-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE  
TO DAVID B. POPKIN INTERROGATORIES, DBP/USPS-T1-76-80  
(February 23, 2005)

In accordance with Rule 26 of the Commission's Rules of Practice and Procedure, the Postal Service hereby objects to interrogatories DBP/USPS-T1-76-80, submitted by David B. Popkin on February 14, 2005. The interrogatories read as follows:

DBP/USPS-T1-76. Please refer to your response to DBP/USPS-T1-64. (a) Please confirm, or explain if you are unable to do so, that mailers do present Priority Mail to the Postal Service in Priority Mail pouches (see USPS linkonline posted February 7, 2005 at 12:30 PM ET as an example). (b) Please confirm, or explain if you are unable to do so, that the Postal Service also provides drop shipments in the reverse manner than described in your response to subpart d of DBP/USPS-T1-64, namely, the Postal Service will take mail arriving at a local address and place it in a Priority or Express Mail pouch and forward it to an addressee at another location such as might be done with a film developer having all of the film having mail [sic] that is sent to a New Jersey address being forwarded to a centralized address in another state for processing.

DBP/USPS-T1-77. Please refer to your response to DBP/USPS-T1-64 subpart e. Your response stated "even if it was physically capable of being utilized." Please confirm, or explain if you are unable to do so, that the scenario described could be, as opposed to "even if", physically utilized as a container for reshipping PFS mail.

DBP/USPS-T1-78. Please refer to your response to DBP/USPS-T1-64 subparts e through g. Your response stated that the Postal Service rarely delivers mail in a pouch. Under what scenarios would this "rare" occasion take place?

DBP/USPS-T1-79. Please refer to your response to DBP/USPS-T1-64 subparts e through g. Your response stated that pouches are not intended for the delivery of mail to individuals or households. Is this because individuals or households normally do not receive the volume of mail that would be entailed in delivering it in a pouch or is it

because there is a reason to limit delivery in pouches only to classes of addressees that are not individuals or households. If so, please provide the reasons for this limitation and also advise the classes of addressees that are eligible to receive delivery in pouches and the conditions under which it might occur.

DBP/USPS-T1-80. Please refer to your response to DBP/USPS-T1-64 subparts e through g. If an individual or household received the volume of mail that warranted utilization of a Priority Mail pouch for reshipment of this mail, please explain why a pouch could not be utilized.

These interrogatories constitute improper follow-up into irrelevant and immaterial issues concerning the usage of orange Priority Mail pouches. The witness to whom they are directed, witness Cobb, already has explained why those pouches would not be utilized for Premium Forwarding Service (PFS).<sup>1</sup> Since no changes to Priority Mail operations are proposed in this docket, which is a limited proceeding being heard by the Commission under its rules for experiments,<sup>2</sup> these interrogatories have no bearing on this proceeding.

Mr. Popkin purports to follow up on witness Cobb's response to interrogatory DBP/USPS-T1-64, which he filed after the Postal Service objected to an earlier interrogatory about the orange Priority Mail pouches.<sup>3</sup> While the Postal Service viewed certain parts of interrogatory 64 as being overbroad in relation to the scope of this proceeding, witness Cobb provided a full response to establish that orange Priority Mail pouches would not be used for PFS because they are not intended for delivery of mail to individuals or households. Unfortunately, Mr. Popkin has apparently missed that

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<sup>1</sup> See Response of Witness Cobb to DBP/USPS-T1-64.

<sup>2</sup> See Tr. 1/5.

<sup>3</sup> See Objection of the United States Postal Service to David B. Popkin Interrogatory, DBP/USPS-T1-59 (January 24, 2005). Interrogatory 59 asked witness Cobb whether retail customers could mail an orange Priority Mail pouch assuming it was properly addressed and the requisite postage was affixed. On the day after the Postal Service objected to interrogatory 59, Mr. Popkin submitted interrogatory 64. See David B. Popkin Interrogatories to the Postal Service (DBP/USPS-T1-63-64) (January 25, 2005).

point, as the interrogatories to which the Postal Service now objects ask more about the orange Priority Mail pouches.

The proposed experimental PFS is designed for individuals and households, and involves the delivery of mail to residences and post office boxes, or temporary alternatives. As such, the containers that would be used for reshipping PFS mail, which have been discussed extensively in this proceeding,<sup>4</sup> would be containers that are intended for, and thus customarily used for, delivery to residences. As witness Cobb clearly stated in her response to interrogatory 64, however, orange Priority Mail pouches are not intended for delivery to residences; instead, they are designed for transporting Priority Mail among postal facilities and for use by Priority Mail drop shippers. As a result, the orange pouches would not be used as a container for PFS shipments. Considering that the Postal Service has thus clearly explained that orange Priority Mail pouches would not be utilized for PFS, as well as why they would not be utilized, engaging in a broad-based examination of the pouches would add nothing material to the record. Responding to these interrogatories would instead simply constitute a needless diversion from the relevant issues of this limited proceeding.

In addition, many of the interrogatories are objectionable on other grounds. Each interrogatory is considered separately below.

#### DBP/USPS-T1-76

Part (a) of this interrogatory, which asks witness Cobb to confirm that mailers sometimes present Priority Mail to the Postal Service in an orange pouch, is immaterial, irrelevant, and cumulative. It is cumulative because witness Cobb already confirmed in her response to interrogatory 64 that mail is sometimes presented to the Postal Service in orange Priority Mail pouches, while it is irrelevant because how mailers present mail

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<sup>4</sup> See, e.g., Response of Witness Cobb to DBP/USPS-T1-2.

to the Postal Service bears no material connection to the reshipment of mail by a delivery unit pursuant to PFS.<sup>5</sup>

Part (b) of this interrogatory, which asks whether the Postal Service engages in certain operational procedures for business concerns such as a film developer that make use of orange pouches, is irrelevant and immaterial. Even if the Postal Service does engage in such operations, it in no way relates to PFS or whether the orange pouch is an appropriate container for a service designed for residential customers, such as PFS.

DBP/USPS-T1-77

This interrogatory, which appears to ask whether an orange Priority Mail pouch could be physically utilized as a PFS container, presents an irrelevant and immaterial question. The issue that is material to this limited proceeding is not whether orange Priority Mail pouches could be utilized as the reshipment container, but whether they are appropriate for use as the reshipment container. As witness Cobb has clearly answered the latter, relevant question in her response to interrogatory 64, any response to this interrogatory would add nothing useful to the record.

DBP/USPS-T1-78

This interrogatory seizes upon a statement made by witness Cobb in her response to interrogatory 64 in order to ask her to engage in pointless and immaterial speculation as to when the Postal Service might deliver mail in an orange Priority Mail pouch. In her response to interrogatory 64, witness Cobb stated that “the Postal Service rarely delivers mail in a pouch,” and Mr. Popkin now requests further details of

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<sup>5</sup> In addition, Mr. Popkin’s purported “example” of a mailer presenting Priority Mail to the Postal Service in an orange pouch lacks a factual foundation. There is nothing in the record or even the referenced picture that indicates whether the home-business mailer provided the carrier with the orange pouches, or whether the carrier brought the orange pouches with him to aid in carrying the large number of packages he was receiving.

such rare occurrences. By qualifying her response, however, witness Cobb merely recognized the possibility that, in the daily course of business, some exceptions could exist to what she understood was a general rule. It serves no purpose for witness Cobb now to speculate on how those exceptions might occur when such a use of the pouch would be uncommon and contrary to their intended use. In addition, any such speculation would not alter the fact that the pouches are ill-suited for PFS, and would not be used as a reshipment container.

#### DBP/USPS-T1-79

This irrelevant and immaterial interrogatory asks why the orange pouches are not designed for delivery to residences, and then inquiries into “the classes of addressees that are eligible to receive delivery in pouches and the conditions under which it might occur.” Any response to this interrogatory would necessarily require a detailed discussion of the orange Priority Mail pouch and of delivery operations wholly unrelated to this proposal. This limited proceeding merely requests that the Commission recommend a simple experimental product with a straightforward product design; it serves no purpose for witness Cobb now to engage in a detailed discussion of the orange Priority Mail pouch, a container whose inapplicability to PFS has been explained. In addition, by asking witness Cobb to “advise the classes of addressees that are eligible to receive delivery in pouches and the conditions under which it might occur,” this interrogatory is cumulative, in that it essentially asks the same question posed in interrogatory 78; as such, the discussion of interrogatory 78 above is equally applicable here.

#### DBP/USPS-T1-80

This interrogatory, which asks witness Cobb to explain why an orange Priority Mail pouch would not be utilized for PFS “[i]f an individual or household received the

volume of mail that warranted” using the pouch, is cumulative and is based on an assumption that lacks any factual foundation. The interrogatory is cumulative because witness Cobb already explained in her response to interrogatory 64 why the orange Priority Mail pouch would not be utilized for PFS. In addition, the interrogatory makes an unfounded assumption that volume levels exist at which delivery of mail in a pouch to a residential customer would be “warranted”; instead, as already noted by witness Cobb, the orange Priority Mail pouches are designed for functions unrelated to residential delivery.

Overall, in addition to the individual shortcomings that they exhibit, responses to these interrogatories would not clarify or elaborate on the information provided by witness Cobb in her response to interrogatory 64 in any way that is material to the issues in this docket. This is especially true considering that this is a limited proceeding being heard by the Commission under its rules for experiments. The Postal Service has discussed extensively the containers that would be used for PFS shipments, and has explained why orange Priority Mail pouches are inappropriate for such use. Engaging in a broad-based examination of the usage of orange Priority Mail pouches would thus add nothing to the record that would aid the Commission in considering whether to recommend this experimental proposal.

For the foregoing reasons, the Postal Service objects to interrogatories  
DBP/USPS-T1-76-80.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

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Kenneth N. Hollies  
Keith E. Weidner

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-3083; Fax -3084