

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

EXPERIMENTAL PREMIUM
FORWARDING SERVICE

Docket No. MC2005-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO DAVID B. POPKIN INTERROGATORIES, DBP/USPS-T1-84-85
(March 10, 2005)

In accordance with Rule 26 of the Commission's Rules of Practice and Procedure, the Postal Service hereby objects to interrogatories DBP/USPS-T1-84-85, submitted by David B. Popkin on March 2, 2005. The interrogatories read as follows:

DBP/USPS-T1-84. Please refer to your response to DBP/USPS-T1-82. Your response failed to respond to my original interrogatory. The level of "complication" of the product is up to the Postal Rate Commission to decide after evaluating the Postal Service's proposal and the comments of the intervening parties. I would like to propose on Brief that the wording of proposed DMCS Section 937.11 be modified to eliminate the reference to reshipment of mail which requires a scan upon delivery being sent Priority Mail postage due. In order to be able to accurately make this claim, the information requested in this interrogatory is needed. The Postal Service is the only party that has the information requested. Since this interrogatory is reasonably calculated to lead to the discovery of admissible evidence, I again request a response to DBP/USPS-T1-82.

DBP/USPS-T1-85. Please refer to your response to DBP/USPS-T1-83. Your response failed to respond to my original interrogatory. I would like to propose on Brief that the wording of proposed DMCS Section 937.31 be modified to eliminate the reference to making the request at the post office responsible for delivery to that customer's primary address. I am attempting to show that the interaction that takes place between the Gracie Station [a different station of the post office responsible for delivery to the customer's primary address] and the Village Station (the station that is responsible for delivery) of the New York, NY post office would be done in a manner which would be no different than would be conducted between the Tampa, Florida post office (a remote location). My belief is that the interactions would all be done by a means that did not require an employee of the Gracie Station to physically travel down to the Village Station but would be done in a manner, such as telephone, fax, or mail, which would exist equally between Tampa and the Village Station. The Postal Service is proposing

to allow for termination or extension of PFS to be done without making a physical appearance to the post office responsible to the customer's primary address. However, the Postal Service is also proposing to not permit modification of the PFS service but to require the original service to be terminated and have the customer re-enroll in a new service. Furthermore, the Postal Service is requiring that enrollment or re-enrollment must be accomplished at the post office, including any stations or branches, responsible for delivery to the PFS customer's primary address. Therefore, an enrollment or re-enrollment in PFS would not only require an additional \$10 fee for re-enrollment for a change but would also require a physical appearance at the post office responsible for the PFS customer's primary address. If a customer established PFS to send the mail from New York City to Florida and then while in Florida found it necessary to change the address in Florida that they receive the mail or even to have to go to California directly from Florida, they would have to make a physical trip back to New York just to walk into the New York post office and present a new application. I would like to be able to show on Brief that this trip from Florida to New York City is unnecessary and completely inappropriate. The Postal Service is the only party that has the information requested. Since this interrogatory is reasonably calculated to lead to the discovery of admissible evidence, I again request a response to DBP/USPS-T1-83.

The Postal Service objects to these interrogatories as being cumulative and argumentative. In fact, these "interrogatories" seem not to be interrogatories at all, but rather serve as motions to compel a more complete response to interrogatories DBP/USPS-T1-82 and 83. Each "interrogatory" is now addressed in turn.

DBP/USPS-T1-84

This interrogatory consists entirely of an argument by Mr. Popkin that a previous interrogatory (interrogatory 82) was not answered, and that he is therefore still owed a response. It represents the third successive follow-up to witness Cobb's response to DBP/USPS-T1-60, which explained why certain mail that requires a scan upon delivery would be reshipped Priority Mail postage due, rather than being reshipped in the Premium Forwarding Service (PFS) package. In the first two follow-ups, Mr. Popkin asked witness Cobb questions relating to the coordination of multiple barcodes within and without PFS packages.¹ Witness Cobb responded by indicating that such an approach has not been studied (and thus has cost consequences that are unknown),

¹ See DBP/USPS-T1-67 and DBP/USPS-T1-82.

and is any event inconsistent with the manual nature of the proposed experimental product; at the same time, however, she did not foreclose the possibility that such an approach could be studied in the future.²

Witness Cobb thus fully responded to the question posed in interrogatory 82, despite Mr. Popkin's accusations to the contrary. While Mr. Popkin may dislike the answer provided, and apparently feels that he is entitled to a different response (which would require further study of his preferred product definition), neither justifies a purported follow-up interrogatory whose sole purpose is to demand that witness Cobb respond again to an interrogatory that she has already answered.

DBP/USPS-T1-85

Like interrogatory 84, this interrogatory consists entirely of an argument by Mr. Popkin that a previous interrogatory (in this instance, interrogatory 83) was not answered, and that he is therefore still owed a response. This interrogatory deals with an issue—customer enrollment and termination of service—that has been extensively explored on the record. Mr. Popkin in particular has submitted numerous interrogatories dealing with this issue, and has expressed his dislike for the fact that, because of the manual nature of the enrollment process, customers who want to change their temporary address must re-enroll at a facility under the administrative supervision of the same main post office as their primary address delivery unit.

² Two factors cast doubt, however, on whether this approach is advisable. First, many parcels would not be received at the primary address delivery unit, due to the fact that PFS customers would have an incentive to direct that the mailers of parcels send them directly to their temporary address. Second, even if parcels are received at that delivery unit, many would likely be too large to fit inside the PFS package. The better option may thus be to continue empowering customers to manage the receipt of their mail rather than adding additional complexities and costs to PFS.

In interrogatory 83, Mr. Popkin continued to query witness Cobb about this aspect of the product definition by asking two questions: 1) what procedures would be used when a customer enrolls at a facility under the same administrative supervision as the primary address delivery unit; and 2) why those procedures would be such that customers could not also enroll at a facility that is not under the same administrative supervision as the primary address delivery unit. Witness Cobb responded to the first question by pointing him to several earlier interrogatory responses, and noting that more specific details had not been developed. She then responded to the second question by noting that enrollment at a facility not under the same administrative supervision as the primary address delivery unit is qualitatively different than enrollment at a facility that is under the same administrative supervision as the delivery unit, partly because a great deal of routine coordination occurs within a multi-facility post office.

Witness Cobb thus fully responded to both of the questions posed by Mr. Popkin in interrogatory 83. While Mr. Popkin may be unsatisfied with her answer, that dissatisfaction does not justify submitting another interrogatory that demands that she answer the question again.

At the same time, however, the Postal Service believes that providing Mr. Popkin with additional information regarding its rationale for this aspect of the product design will aid in expeditiously closing the record in this docket.³ The Postal Service has thus decided to supplement its response to interrogatory DBP/USPS-T1-83(b) in order to provide additional information as to why enrollment would only be allowed at a facility

³ This docket is rapidly proceeding to a conclusion. Mr. Popkin is the only participant with outstanding interrogatories (which are the subject of this objection). The Postal Service also submitted a Stipulation and Agreement in this docket on March 1, 2005, which three of the four participants have now signed. In its motion requesting that the Commission base its recommended decision on the Stipulation and Agreement, the Postal Service also moved that a final procedural schedule be established by the Commission.

that is under the same administrative supervision as the primary address delivery unit.⁴ This additional information provides greater detail while emphasizing that mail security concerns are an important element of this feature of the PFS product design.

For the foregoing reasons, the Postal Service objects to interrogatories DBP/USPS-T1-84-85.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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⁴ This procedural approach may to a certain extent stretch the intent of Rule 26(f), which describes supplemental answers as a mechanism “to update or to correct” previous responses, since the information provided goes beyond the scope of interrogatory 83(b). However, supplementing that response seems to be the most appropriate procedural mechanism by which to expeditiously provide Mr. Popkin with this information.