

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
Submitted 5/2/2005 12:55 pm
Filing ID: 43836
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Postal Rate and Fee Changes]
Pursuant to Public Law 108-18]

DOCKET NO. R2005-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES DBP/USPS-
3, 4, 5, 6, 8, 10, 11, 13, 14

I move to compel responses to the interrogatories submitted to the United States Postal Service that were either not answered by them or have been objected to by them.

May 2, 2005

Respectfully submitted,

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528
R20051G

DBP/USPS-3 The Postal Service has provided a response to DBP/USPS-3, however, in the breakdown over the different time periods, the Postal Service chose to utilize the time periods that were requested in the original R2001-1 OCA/USPS-292 interrogatory rather than the ones that I chose to ask in the current R2005-1 DBP/USPS-3. The format of the current interrogatory DBP/USPS-3 is identical to the format of the R2001-1 OCA/USPS-292 except for the breakdown of hours. To the extent that the Postal Service responded to both of these interrogatories, they could have just as easily provided me with the breakdown that I had requested rather than what OCA requested in R2001-1 since I was the requester. The added burden to break the overall data down to 26 categories rather than 17 categories that were provided is minimal. If the Postal Service claims undue burden, they must quantify the burden as noted in Rule 26[c]. The burden would also have been less if they had provided the requested information in the first place. Most of the Postal Service's R2001-1 complaint appears to be related to a claim of improper follow-up to an interrogatory. That is irrelevant in this Docket since it is still in initial discovery period.

DBP/USPS-4 The Postal Service promised to file a Library Reference LR-117 in response to this interrogatory. That filing was due on April 22nd and has not been made yet.

DBP/USPS-5 The Postal Service objected to answering this interrogatory on two grounds. In the seven lines of their objection, I only see one ground for an objection, namely, they claim that national aggregate EXFC data are the proper focus. However, the national aggregate data figures are determined by combining all of the data for the various Performance Clusters. As such, I should have the right to evaluate the source data for the national data and be able to determine the spread that might exist in the data as well as other criteria.

The format that I have requested in my interrogatory is the specific breakdown and format as has been utilized by the Postal Service for many years. This data is reasonably calculated to lead to the discovery of admissible evidence as it relates to the value of service of First-Class Mail.

DBP/USPS-6 The Postal Service response was due on April 22nd and has not been made yet.

DBP/USPS-8 The Postal Service promised to respond to subpart g That filing was due on April 22nd and has not been made yet.

DBP/USPS-10 The Postal Service objected to this interrogatory but stated that they will endeavor to respond. That filing was due on April 22nd and has not been made yet. Since I have not had an opportunity to evaluate their response, I request that I be able to file a Motion to Compel beyond the deadline should their response dictate the need.

DBP/USPS-11 The Postal Service response was due on April 22nd and has not been made yet.

DBP/USPS-13 The Postal Service response was due on April 22nd and has not been made yet.

DBP/USPS-14 The Postal Service response was due on April 22nd and has not been made yet.

For the reasons stated, I move to compel responses to the referenced interrogatories since they are reasonably calculated to lead to the discovery of admissible evidence.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

David B. Popkin May 2, 2005
