

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

POSTAL RATE AND FEE CHANGES  
PURSUANT TO PUBLIC LAW 108-18

Docket No. R2005-1

OPPOSITION AND REPLY OF THE UNITED STATES POSTAL SERVICE  
TO DAVID POPKIN MOTION TO COMPEL  
(May 9, 2005)

The United States Postal Service hereby submits its reply to the May 2, 2005, motion of David Popkin seeking to compel responses to the following interrogatories: DBP/USPS-3-6, 8, 10, 11, 13 and 14.

DBP/USPS-3

In his motion to compel with respect to DBP/USPS-3, without fully articulating a request for relief as such, Mr. Popkin expresses dissatisfaction that the Postal Service has declined his request to expand the level of operational detail provided regarding the historical distribution of last pickup time distribution for collection boxes. (He sought a more detailed breakout of last pickup times.) As indicated in its April 18 objection to this item, while disputing the relevance to this entire line of inquiry to material issues in this case, to avoid unnecessary contention, the Postal Service took as its guide the type and level of information filed in response to a similar request from the OCA in the last omnibus rate case. This approach facilitates direct comparison of information provided in that case with information provided in this case. Like he did in the last case, however, Mr. Popkin wants to ratchet up the level of detail provided, without any attempt to explain why the material he has obtained is not sufficient to address the

relevant issues. (The Postal Service did not discount his request entirely – percentages provided were expressed to the level of rounding that he specified.) As in the last case, his attempt to elicit additional levels of detail should be rejected. In Presiding Officer's Ruling No. R2001-1/41 (Jan. 29, 2002), the Presiding Officer stated:

Moreover, while Mr. Popkin's professed desire to "evaluate the level of service that is being provide in collection boxes" may have some superficial appeal, he failed to adequately demonstrate that the data sought have a material bearing on issues before the Commission. While the data might shed some light on collection practices, that alone is insufficient, under the circumstances, to require the Postal Service to respond. Ultimately, Mr. Popkin's rationale is unconvincing because he never successfully demonstrates a sufficient nexus with issues before the Commission.

*Id.* at 3. In his motion to compel, Mr. Popkin never even attempts to explain any nexus between what he seeks and the issues before the Commission. The Presiding Officer's conclusion in the last case continues to apply in this case as well.

Moreover, in its May 2 objection to DFC/USPS-21, which likewise sought detailed information on collection boxes, the Postal Service has already described the burden involved in retrieving the information necessary to respond to DPB/USPS-1 and 3:

Preparing that information for Mr. Popkin took approximately five full days of staff time at Headquarters, a commensurate amount of staff time at the computing center in San Mateo, and a significant amount of supervisory time and attention to direct these efforts.

Repeating a portion of that effort, just to indulge Mr. Popkin's continual quest for ever more irrelevant detail, would be unduly burdensome, and is utterly unwarranted.

DBP/USPS-4

The Library Reference responsive to this interrogatory is being filed today. Accordingly, the Postal Service considers the controversy moot.

DBP/USPS-5

This interrogatory requests that the Postal Service file External First-Class Mail performance system (EXFC) data disaggregated by Performance Cluster. In its April 29, 2005, response to DFC/USPS-4, the Postal Service filed quarterly national aggregate originating and destinating EXFC data. Such data at the EXFC system-wide level are indisputably relevant to the recurring issue of the value of service for First-Class Mail as a whole, within the meaning of 39 U.S.C. § 3622(b)(2), as a whole. Accordingly, they have been provided. In contrast, data disaggregated below the national level are, on their face, irrelevant to the issues in this proceeding. The fact that Mr. Popkin recently was able to peruse disaggregated Performance Cluster level data in the context of a completely different type of Commission proceeding focused on service standard changes and their impact (Docket No. C2001-3) does not make those data relevant, necessary or material to an issue in the instant omnibus rate proceeding.

At page 2 of his motion, Mr. Popkin argues that:

the national aggregate data figures are determined by combining all of the data for the various Performance Clusters. As such, I 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 argument is based upon the flawed presumption that any spread or variation in scores that may exist between particular origin or destination Performance Clusters

(Pittsburgh vs. Miami vs. Seattle, for example) are somehow relevant to the issue of what the value of service for First-Class Mail is and what its rates should be.<sup>1</sup> Mr. Popkin alludes to “other criteria” as providing a justification for his request, but he fails to identify what those “other criteria” are.

#### DBP/USPS-6

Notwithstanding the irrelevance of the subject matter of this interrogatory to the issues in the current proceeding, the Postal Service is compiling a list of references to the Docket No. C2001-3 interrogatories asked by Mr. Popkin to which responsive information was provided and remains current. Because of the press of matters relevant to the instant proceeding, the project is not expected to be completed until next week. In undertaking this task, the Postal Service reserves the right to object to further irrelevant follow-up interrogatories.

#### DBP/USPS-10

The interrogatory response is being filed today. Accordingly, the Postal Service considers the controversy moot.

#### DBP/USPS-11, 13, 14

Responses are being compiled and will be filed this week.

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<sup>1</sup> He also argues on the basis of the faulty assumption that the performance cluster data are an intermediate step in the production of national aggregate data. The different levels of aggregation (national vs. performance cluster) are drawn from the same raw data, but on the basis of different computer programs. One does not need to create performance cluster scores as a prerequisite to aggregating data to the national level.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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Michael T. Tidwell

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

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