

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

OBJECTION OF THE UNITED STATES POSTAL SERVICE  
TO INTERROGATORY OF DAVID B. POPKIN  
(DBP/USPS-49(h))  
(May 12, 2005)

The United States Postal Service hereby objects to interrogatory DBP/USPS-49(h), submitted by David B. Popkin on May 2, 2005. The interrogatory reads as follows:

DBP/USPS-49. (h) Please provide a complete listing of all possible scenarios where delivery will be made on the third calendar day after mailing. This listing can be made by generic descriptions (such as articles mailed on a Saturday prior to a Monday holiday and sent to an address that is not on the Sunday/holiday list will receive delivery on Tuesday) or it can be made by reference to specific offices (such as Hyder AK 99923 has incoming mail only on Monday and Thursday).<sup>1</sup>

The Postal Service objects to this interrogatory on the grounds of relevance and overbreadth. In interrogatory 49(h), Mr. Popkin requests that the Postal Service provide a listing of "all possible scenarios" in which delivery of Express Mail could be effectuated on the third calendar day after mailing. By seeking a list of "all possible scenarios" in which such delivery could occur, Mr. Popkin is apparently seeking a level of operational detail that is well beyond what is material to any consideration by the Commission in this proceeding of the value of service of Express Mail, and that is inconsistent with precedent concerning the proper scope of discovery into Express Mail service in omnibus rate cases. In Docket No. R97-1, for example, the Presiding Officer, in

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<sup>1</sup> Emphasis in original.

considering a motion to compel by Mr. Popkin concerning a number of Express Mail interrogatories, concluded that “generally the operational details of a service are beyond the scope of material issues in a rate proceeding,” and that the Postal Service had only to respond to those interrogatories that sought “general information about Express Mail service.”<sup>2</sup> This interrogatory, by asking the Postal Service to provide a list of “all possible scenarios” in which Express Mail could be delivered in three calendar days after mailing, is clearly seeking more than “general information” about Express Mail service, and as such is overbroad and irrelevant.

The Postal Service will, however, provide a response to interrogatory 49(h). Consistent with the proper scope of discovery into the operational details of Express Mail service, as interpreted by the Presiding Officer in past omnibus rate cases, this response will provide general information concerning the delivery of Express Mail on the third calendar day after mailing.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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<sup>2</sup> See Presiding Officer's Ruling No. R97-1/53 at 5.