

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 DAVID B. POPKIN REQUEST FOR PRODUCTION
(DBP/USPS-103(b)-(d))
(June 10, 2005)

The United States Postal Service hereby objects to DBP/USPS-103(b)-(d), filed by David B. Popkin on May 31, 2005, which reads as follows:

DBP/USPS-103. Please refer to your response to DBP/USPS-49 subparts e and f.
(b) Please provide copies of any directives, guidelines, etc. of the Headquarters EMCCB as they relate to providing or not providing service on Sunday/holiday.
(c) Please provide copies of any directives, guidelines, etc. of the Headquarters EMCCB as they relate to providing or not providing regular overnight service.
(d) Please provide copies of any directives, guidelines, etc. of the Headquarters EMCCB as they relate to providing service by 12 noon vs. 3 PM at an office.

The Postal Service objects to DBP/USPS-103(b)-(d) on the grounds of relevance and commercial sensitivity. By seeking "directives and guidelines" from the Express Mail Change Control Board (EMCCB) regarding the provision of Sunday/holiday delivery, Next Day Express Mail service, and the scheduled time of delivery, Mr. Popkin is seeking documents that involve the approval or rejection of individual alterations to the operational minutiae of the Express Mail network, and are thus part of highly fact-specific analyses of that network at the level of individual 5-digit ZIP Codes or individual facilities. As such, Mr. Popkin is requesting documents that are completely irrelevant to this proceeding, and that also involve highly sensitive evaluations of a competitive product.

The EMCCB evaluates requests from the field to change certain aspects of the Express Mail network with regard to individual 5-digit ZIP Codes or individual facilities. For example, a field office may request that a destinating ZIP Code be downgraded from Next Day-12 PM to Next Day-3 PM, or that the cut-off-time at a certain retail acceptance unit be changed to an earlier time in the day. The EMCCB then issues a decision approving or rejecting the requested change. These decisions are brief, fact-specific evaluations of the field's request, confined solely to a discussion of whether the individual change to the Express Mail network should be implemented.

Because they are thus directed towards the consideration of highly specific operational matters, EMCCB documents are completely irrelevant to this proceeding. As has been noted repeatedly by Presiding Officer's Rulings in past rate cases, the Postal Service does not have to respond to questions that seek highly specific operational details about Express Mail service.¹ The work of the EMCCB, which deals with matters such as whether the critical entry time at a certain processing facility should be moved to later in the day for a particular level of service, clearly involves irrelevant operational minutiae.² Overall, documents relating to changes to the intricacies of the Express Mail network at the level of individual 5-digit ZIP Codes or individual facilities are simply irrelevant to any consideration that the Commission may make of Express Mail in this proceeding.

¹ See, e.g., Presiding Officer's Ruling (POR) No. R2001-1/32 at 4; POR No. R2000-1/56 at 2; POR No. R97-1/53 at 5.

² In POR No. 2001-1/32, for example, the Presiding Officer, in denying a motion to compel by Mr. Popkin, characterized questions such as "What percentage of all facilities with Post Office Boxes will not be accessible on a Sunday" as implicating "extensive operational minutiae." Such a question asks for information of an infinitely more general character than that involved in this request.

In addition to the fundamental irrelevance of such documents, they are also commercially sensitive. As noted above, the EMCCB conducts fact-specific evaluations of the Express Mail network, including the limitations of that network, at the localized level of individual 5-digit ZIP Codes or individual facilities. Disclosure of such highly specific operational information could clearly be used to the Postal Service's detriment by its competitors in the competitive market for expedited delivery.

The Postal Service therefore objects to parts (b)-(d) of DBP/USPS-103 on the grounds of relevance and commercial sensitivity.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

Keith E. Weidner

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-6252; Fax -3084