

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  
INTERROGATORIES OF DAVID B. POPKIN  
(DBP/USPS-183-184, 187-188, 190, 192(d)-(h) and (l), 195-197, 199)  
(June 30, 2005)

The United States Postal Service hereby objects to interrogatories DBP/USPS-183-184, 187-188, 190, 192(d)-(h) and (l), 195-197, and 199, filed by David B. Popkin on June 20, 2005.

**DBP/USPS-183**

This interrogatory is designated as a follow-up to DBP/USPS-107, which reads:

DBP/USPS-107. Please refer to the USPS website for Express Mail Service Commitments. (a) Please confirm that under the Service Commitment column, there are four possible entries: Next day by 12 P.M., Next day by 3 PM, 2 Days, and 2 Delivery Days. (b) Please define each of these terms. (c) Please confirm that the website states on all scenarios in a yellow box, "Next day by 10 A.M. - Post Office to Post Office only". (d) Please confirm that Post Office to Post Office service is not available in all scenarios. (e) Please explain why this wording is shown on scenarios where the service is not available? (f) Please confirm that the pull-down menu for 2 Delivery Days states, "Guaranteed second-day delivery by noon or 3:00 p.m. For Post Office™ to Addressee mailing, excluding Sundays and holidays. Mailers must use a Post Office to Addressee label for these mailings. For Post Office to Post Office mailings, we offer a second-delivery day by 10:00 a.m. service commitment. Mailers must use a Post Office to Post Office label for these mailings." (g) If I send an Express Mail article from Englewood NJ 07631 to Bronx NY 10470 on a Saturday it states it will be delivered in 2 Delivery Days. If I follow the definition for 2 Delivery Days literally, it would appear that the article will be

delivered on Tuesday rather than Monday since Sunday does not count and Monday would be the first non-Sunday/holiday delivery day and Tuesday would be the second non-Sunday delivery day. Shouldn't 2 Delivery Days be shown as Next Delivery Day in some instances where it is lack of Sunday/holiday delivery at the destination post office rather than the lack of transportation results in the later delivery? (h) Shouldn't there be some distinction shown to indicate the delivery day based on both weekend available transportation as well as delivery/non-delivery on Sunday/holiday? (i) Please advise the source of the times and Collection Box locations shown in the places where one may deposit an Express Mail article. (j) Please confirm that Express Mail may be deposited in any blue collection box, Express Mail or non-Express Mail. (k) Does the deposit of Express Mail prior to a collection time shown on the collection box determine the service standards or is it the time that the article is processed at the outgoing post office that determines the service standards? (l) Please discuss how the collection time on an Express Mail collection box should be established with respect to the Express Mail cut-off time at the post office. (m) If I deposit an Express Mail article in an APC prior to the cut-off time and it is not logged in until after the cut-off time, does it receive the guarantee that existed prior to the cut-off time? (n) Please explain those items you are unable to confirm.

RESPONSE:

- (a) Not confirmed. For example, depending on the origin and destination ZIP Codes entered, a Next Day by 10 A.M service commitment could be applicable.
- (b) The Next Day service commitment is next day delivery by noon or 3:00 p.m. of Post Office to Addressee mailings, including Sunday and holidays where delivery available on those days. The 2 Day service commitment is second-day delivery by noon or 3:00 p.m. for Post Office to Addressee mailings, including Sundays and holidays where service is available on those days, while the 2 Delivery Day service commitment is second-day delivery by noon or 3:00 p.m. for Post Office to Addressee mailings, excluding Sundays and holidays. For Post Office to Post Office mailings, these commitments are offered for a 10:00 a.m. commitment.
- (c) Confirmed.
- (d) Confirmed.
- (e) This wording explains the service commitment if that commitment appears based on the origin and destination ZIP Codes entered.
- (f) Confirmed.

- (g) The Second Delivery Day service commitment is shown where appropriate.
- (h) The need to do so has not been demonstrated.
- (i) The Express Mail Service Commitments website uses data that is maintained in the Product Tracking System (PTS).
- (j) Confirmed that an Express Mail piece may be deposited in a blue collection box, though the mailer runs the risk of not receiving delivery within the service guarantee that would have applied if it was placed in an Express Mail collection box.
- (k) The deposit of Express Mail prior to the collection time shown on the Express Mail collection box determines the service standard. The Express Mail Collection Box Decal provides the standards associated with the collection time for the Express Mail deposited in the collection box.
- (l) Collection schedules are set so as to provide the latest possible collection consistent with local acceptance and dispatch capabilities.
- (m) Yes.
- (n) Explanations contained in relevant parts.

Interrogatory DBP/USPS-183 reads:

DBP/USPS-183 Please refer to your response to DBP/USPS-107 subpart g. [a] If an Express mail article was sent from Englewood NJ 07631 to Bronx NY 10470 on Saturday June 25th prior to the cutoff time at Englewood, what date and time is guaranteed for delivery? [b] If an Express mail article was sent from Bronx NY 10470 to Bronx NY 10470 on Saturday June 25th prior to the cutoff time at Bronx, what date and time is guaranteed for delivery? [c] If an Express mail article was sent from Englewood NJ 07631 to Bronx NY 10470 on Monday June 27th prior to the cutoff time at Englewood, what date and time is guaranteed for delivery? [d] Please confirm that the USPS website states that the articles referred to in subparts a and b will be "2 Delivery Days". [e] Please confirm that a literal interpretation of "2 Delivery Days" would indicate delivery on Tuesday June 28th since the first delivery date after mailing the article would be Monday June 27th and the second delivery date after mailing the article would be Tuesday June 28th. [f] How does a user of the USPS website determine whether the guaranteed delivery time will be 12 noon or 3 PM in the instances where the time is shown as "2 Days" or "2 Delivery Days"? [g] If the response to either or both subparts a and b is Tuesday June 28th and the response to subpart c is Tuesday June 28th, please explain why mail deposited on Monday will have equal or better service than mail deposited in Englewood on Saturday? [h] If the response to subpart b is Tuesday June 28th,

please explain why mail deposited on Saturday will not be delivered on the next delivery date of Monday June 27th at the same local post office. [i] Please explain any responses you are unable to confirm.

This interrogatory asks a series of questions relating to the delivery of Express Mail between two particular ZIP codes on particular days, and how that information is displayed on the Express Mail Services Commitments feature on USPS.com. Such minute details concerning Express Mail are irrelevant to the issues presented in this rate case, nor are likely to lead to relevant information.

#### **DBP/USPS-184**

This interrogatory also follows-up on DBP/USPS-107, and reads:

DBP/USPS-184 Please refer to your response to DBP/USPS-107 subpart i. [a] Please advise whether the PTS database makes use of the collection box locations and collection times as shown in the Collection Point Management System [CPMS]. [b] If a post office makes a change in collection times and obtains a new collection box label, how long does it take for the new collection times to appear in the [1] CPMS, [2] PTS, and [3] the 1-800-ASK-USPS database? [c] Same as subpart b except if the collection box is removed from service. [d] Please advise the interrelationship between the various databases maintained at District level or above that show and/or make use of collection box locations and/or collection box times. This explanation should provide the times for the various databases to be updated and show revised data.

This interrogatory asks detailed questions about collection boxes and collection box databases that are completely irrelevant to this proceeding, and is thus objectionable on the grounds of relevance. For example, none of the parts of this interrogatory would shed any light on the number of collection boxes, and instead pertain to operational minutiae and internal operations of the Postal Service of no concern to postal ratemaking.

## **DBP/USPS-187-188**

These interrogatories follow-up on DBP/USPS-107, and read:

DBP/USPS-187 Please refer to your response to DBP/USPS-107 subpart k. [a] Please confirm that if a mailer is in line at a retail service window at a post office at a time that is just prior to the Express Mail cutoff time and that by the time that the mailer has their Express Mail article processed at the window it is a minute or two after the cutoff time, that in virtually all cases the mail will be dispatched in the same dispatch had it been mailed a few minutes earlier [prior to the cutoff time] but the service standards as shown on the POS terminal will be different. [b] Please confirm that if an Express Mail collection box shows a 4 PM collection time that the collection of the mail will be made at a time that is at 4 PM or shortly thereafter and that the mail will return to the post office even later than the time of collection and that the mail will be processed for dispatch in a similar manner as if it had been turned in at a retail window at a time which is even later. [c] Please confirm that if I mail an article prior to the collection time as shown on an Express Mail collection box but there is a problem with the collection being made and/or the collector returning to the post office and/or the article being properly processed at the post office upon the carrier's return that the article does not receive delivery by the time that is guaranteed for mail that would have been properly processed then it would count as a failure and a refund would be available. [d] Please explain any subparts you are unable to confirm. [e] Please explain how in the situations proposed in subparts a and b of this interrogatory and with subpart m of DBP/USPS-107 how the postal clerk would be able to determine the standards that existed at an earlier time. [f] Must an APC mail drop be provided with a collection schedule? [g] If not, why not?

DBP/USPS-188 Please refer to your response to DBP/USPS-107 subpart l. [a] If a post office utilizes an Express Mail collection box, must it make at least one collection each day [at least on Monday through Saturday except holidays] that will allow the mail to receive the full available dispatch schedule that is available at the opening of the retail service window? [b] If not, why not? [c] Must all collection times shown on the Express Mail collection box result in receiving the full available dispatch schedule that is available at the opening of the retail service window? [d] If not, why not? [e] If one or more collection times that are shown on the decal on an Express Mail collection box will result in a reduced level of guaranteed service areas or times, how will the mailer be aware of that

condition? [f] Please provide any regulatory references [DMM, POM, or other references] that describe the times required for collection at an Express Mail collection box.

Both of these interrogatories ask a series of questions dealing with detailed operational aspects of Express Mail, and are thus irrelevant. As Presiding Officer's Rulings have repeatedly stated, highly specific operational details such as those sought in these interrogatories are beyond the scope of material issues in a rate proceeding. See, e.g., Presiding Officer's Ruling R2000-1/56 at 2, 11.

### **DBP/USPS-190**

This interrogatory reads as follows:

DBP/USPS-190. Please refer to your response to DFC/USPS-75. Your response appears to indicate that the National CBMS data may be missing certain data elements and/or data when compared to the District file. Other than perhaps being up to one month outdated, please advise what data elements and fields and/or data are contained in the District file that are not contained in the National CBMS file [or the new CPMS database].

The referenced interrogatory, and response, were as follows:

DFC/USPS-75. Please refer to the response to DFC/USPS-21(c).  
(a) Please explain how and why data maintained in the CBMS at the headquarters level may have differed from data maintained in the CBMS at the district level. If one reason is that districts upload data to the headquarters level only periodically, in your response please identify how often districts upload data to the headquarters level.  
(b) Please confirm that the CBMS data held at the district level more accurately reflect actual operational data, including the number of collection boxes, than CBMS data held at the nationwide level. If you do not confirm, please explain.

#### **RESPONSE:**

a) The differences between the data in the National-level and District-level CBMS files result from the structure of the National CBMS file. The National-level file does not contain all the data in the District file. The Districts provided monthly updates (which

leads to day-to-day differences), and, at any given time, some District's upload may not have been completed.

b) The National CBMS file does not contain all of the detail data in the District-level CBMS file. With the upload of District data, as described above, the National and District files matched with regard to the number of collection boxes.

The Postal Service objects to DBP/USPS-190 on the grounds of relevance and improper follow-up. To understand why this question lacks relevance, it is necessary to examine the background. The question to which the instant question purports to be a follow-up is DFC/USPS-75. That question, in turn, grew out of efforts by Mr. Carlson to evaluate data from CBMS reporting on the number of collection boxes. According to Mr. Carlson, data on the number of collection boxes bear on the value of Express Mail and First-Class Mail service, and thus (in his view) are relevant to issues in this proceeding. The Postal Service does not share that view, but the alleged relationship between value of service and the number of collection boxes is the rationale that has been proffered to assert the relevance of questions about CBMS.

In response to DFC/USPS-75, the Postal Service noted that, because of updating issues, data in the national CBMS database could lag information in the District databases. But the response also specifically stated that “[w]ith the upload of District data, as described above, the National and District files matched with regard to the number of collection boxes.” This response leaves no doubt that, except for timing issues, information in the two levels of data is consistent with respect to the number of collection boxes. Therefore, except for timing issues (which Mr. Popkin’s instant question explicitly excludes), any differences between the national and District CBMS databases did not relate to the number of collection boxes, and relate only to other data

elements. But since the number of collection boxes is the alleged link between CBMS and relevant issues in this proceeding, it necessarily follows that whatever other differences might have existed within the bowels of these two levels of CBMS, they are not relevant to this proceeding.

Yet it is exactly those differences to which Mr. Popkin now wishes to drag our attention. He clearly is trying to extend his inquiry into areas beyond those which were the subject of Mr. Carlson's question, upon which he is purporting to follow. In that respect, his question does not constitute proper follow-up. Perhaps more fundamentally, there is no nexus between the level of operational details about which he inquires in his question, and the relevant issues in this proceeding. The Postal Service therefore objects.

**DBP/USPS-192(d)-(h), (l)**

This interrogatory purports to follow-up on DFC/USPS-76, which reads:

DFC/USPS-76. Please refer to the response to DFC/USPS-58.

(a) Please select a weekday between June 6, 2005, and June 17, 2005. For an average origin ZIP Code on the selected weekday, please provide the number of ZIP Codes to which Next Day Service is available.

(b) For an average origin ZIP Code on Saturday, June 11, 2005, or Saturday, June 18, 2005, please provide the number of ZIP Codes to which Next Day Service is available.

(c) Please select a weekday between June 6, 2005, and June 17, 2005. For an average origin ZIP Code on the selected weekday, please provide the number of addresses to which Next Day Service is available.

(d) For an average origin ZIP Code on Saturday, June 11, 2005, or Saturday, June 18, 2005, please provide the number of addresses to which Next Day Service is available.

For this interrogatory, data for an average origin ZIP Code may be calculated by adding the number of ZIP Codes (or addresses) to which Next Day Service is available for each origin ZIP Code nationwide and then dividing this sum by the total number of ZIP

Codes. If a different calculation is used to define an average origin ZIP Code, please explain the calculation. If an average origin ZIP Code cannot be calculated, please provide the data for a typical or representative origin ZIP Code.

RESPONSE:

Please see the response to DFC/USPS-58 for a discussion of an "average origin ZIP Code." The data below is provided for ZIP Code 10001.

- (a) ZIP Code 10001 would service 16,577 ZIP Codes Next Day if acceptance is on Monday, June 6<sup>th</sup>, 2005.
- (b) ZIP Code 10001 would service 8,830 ZIP Codes Next Day if acceptance is on Saturday, June 11<sup>th</sup>, 2005.
- (c) ZIP Code 10001 would service 82.5 million addresses if acceptance is on Monday, June 6<sup>th</sup>, 2005.
- (d) ZIP Code 10001 would service 64.8 million addresses if acceptance is on Saturday, June 11<sup>th</sup>, 2005.

The Postal Service objects to parts (d)-(h) and (l) of interrogatory DBP/USPS-192, which reads as follows:

DBP/USPS-192 Please refer to your response to DFC/USPS-76. Please confirm, or explain that if you are unable to confirm, that [a] 10001 ZIP Code provides 24-hour a day, 365/6-days a year window service. [b] 10001 is the main facility of the New York NY post office. [c] The New York NY post office is the largest post office in the country. [d] New York City is the largest city in the country. [e] New York City is a major financial and business area of the country. [f] New York City is probably in the center of the largest population and business center that stretches from Boston to Washington. [g] New York City has local access to three major airports [JFK, LGA, and EWR} [h] New York City is in the Eastern time zone giving it a time advantage over other parts of the country. [i] Please advise the criteria that determine an "average origin ZIP Code". [j] Please advise how you chose 10001 to be THE "average origin ZIP Code" in the country. [k] Please explain why you believe 10001 to be an "average origin ZIP Code". [l] Please explain the difference between using 10001 vs. 10199 as an origin ZIP Code.

With respect to parts (d)-(h), Mr. Popkin is asking the Postal Service to provide answers to general questions in which the Postal Service has no

particular expertise. If Mr. Popkin wishes to learn whether New York City is a “major financial and business area,” or which time zone it is located in, he is perfectly capable of consulting a secondary source that provides that information.

The Postal Service should not be required to provide answers to such general questions that have nothing to do with the business of the Postal Service.

With respect to part (I), the Postal Service objects on relevance grounds, as information about Express Mail at the level of 5-digit ZIP Codes is simply irrelevant to this proceeding. While the Postal Service considered Mr. Carlson’s request in DFC/USPS-76 that it provide the requested data for a single ZIP code to be objectionable on relevance grounds, it decided to provide the data for a single ZIP Code—10001—in the interests of reducing motions practice. At this point, however, the Postal Service must object to dedicating resources to producing further localized Express Mail data which is completely irrelevant to a determination of Express Mail rates.

**DBP/USPS-195**

This interrogatory purports to follow-up on DFC/USPS-76, and reads:

DBP/USPS-195 Please refer to your response to DFC/USPS-76. [a] Please confirm, or explain if you are unable to confirm, that the Sunday/holiday delivery for 070-073 contains ZIP Codes in the range of only 010 to 227 and that all of these ZIP Codes are serviced by surface transportation. [b] Please advise the nominal distance corresponding to surface transportation. [c] Please provide a breakdown similar to that provided in the response provided in DFC/USPS-76 subparts a and b for Express Mail deposited in a 070-073 post office showing both the total breakdown for all ZIP Codes as well as a separation of those that are in the 010 to 227 ZIP Code range vs. those that are outside that range.

The detailed localized information sought by this interrogatory is plainly irrelevant

to this proceeding. In addition, Commission precedent establishes that an interrogatory is not proper follow-up if it does not “aid in clarifying or add to the understanding of the underlying interrogatory,” but rather opens up a totally new line of questioning. See P.O. Ruling No. R2001-1/40 at 4. Under this standard, the information that is requested in this interrogatory cannot be considered as being proper follow-up to DFC/USPS-76, meaning this interrogatory is untimely.

**DBP/USPS-196**

This interrogatory follows-up on DFC/USPS-76, and reads:

DBP/USPS-196 Please refer to your response to DFC/USPS-76.  
Please provide a copy of the Express Mail directory for 10001.

While the Postal Service considered Mr. Carlson’s request in DFC/USPS-76 that it provide the requested data for a single ZIP code to be objectionable on relevance grounds, it decided to provide the data for a single ZIP Code—10001—in the interests of reducing motions practice. The Postal Service should not be required, however, to provide even more detailed information with regard to this individual 5-digit ZIP Code. The Express Mail directory for a single 5-digit ZIP Code is simply irrelevant to this proceeding.

**DBP/USPS-197**

This interrogatory follows-up on DFC/USPS-76, and reads:

DBP/USPS-197 Please refer to your response to DFC/USPS-76.  
Please provide a breakdown of the responses to subparts a and b that fall into the ZIP Code range of 010 to the highest ZIP Code in the 20001 to 24599 range that has Sunday/holiday delivery vs. those that fall outside that range for mail deposited in 10001.

This interrogatory is objectionable because the information it seeks is so local

that it bears no relevance to postal ratemaking.

**DBP/USPS-199**

This interrogatory reads:

DBP/USPS-199. Please refer to your response to DBP/USPS-109. Please provide any information that will allow for evaluating the original interrogatory such as the availability of the service, the cost of providing each of the services, the weight sent by each of the services, the number of pieces sent by each of the services, or a best estimate by those that are responsible for this choice of services.

The referenced interrogatory and response are as follows:

DBP/USPS-109. Please refer to your response to DFC/USPS-57 subpart f. Please advise the percentage of overnight Express Mail that is mailed on a Saturday and delivered on a Sunday or is mailed on the day before a holiday and is delivered on the holiday that is transported by each of the following methods: [1] FedEx network [2] Commercial airplanes [3] Surface transportation.

**RESPONSE:**

The Postal Service does not track this information.

The Postal Service has stated that it simply does not track the information which Mr. Popkin seeks. Thus, Mr. Popkin is either asking the Postal Service to provide a response that is purely speculative, which is clearly irrelevant, or he is asking for the Postal Service to commence in special study, which would clearly be unduly burdensome.

Therefore, the Postal Service objects to the above-referenced interrogatories.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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