

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-214-220, 222-223)
(July 7, 2005)

The United States Postal Service hereby objects to interrogatories DBP/USPS-214-220, and 222-223, filed by David Popkin on June 27, 2005, on the grounds of improper follow-up, cumulativeness, burden, and lack of relevance and materiality.

These interrogatories cover many of the same questions and issues that the Postal Service objected to with respect to interrogatory DBP/USPS-145. Mr. Popkin is following up the partial response that the Postal Service filed to that interrogatory on June 21, 2005. But Mr. Popkin has already moved to compel more information in response to DBP/USPS-145, and the Postal Service has opposed that motion. Further discovery on these matters should have awaited the resolution of the discovery dispute over DBP/USPS-145.¹

Each interrogatory is copied below, followed by the grounds for objection.

¹ The Postal Service will respond to interrogatory DBP/USPS-221 because it requests information that the Postal Service believes should have been included

DBP/USPS-214. Please refer to your response to DBP/USPS-145. The third paragraph of your response provides information on how accountable mail would be delivered to an IRS facility or other government agency if there was only a single piece. Please confirm, or explain if you are unable to confirm, that for the seven IRS facilities and for most large government agencies in Washington, that it would be a rare instance that they would ever receive only a single piece of accountable mail and in most cases they receive considerably more pieces.

The Postal Service objects because of the lack of relevance to any material issue in this proceeding, and because it would require several hours to contact the IRS and other destinations to determine the frequency with which single pieces of accountable mail are delivered.

DBP/USPS-215. Please refer to your response to DBP/USPS-145. In your response you provide two separate procedures, Procedure 1 and Procedure 2. [a] Are you now able to indicate which of the two procedures is utilized at each of the seven IRS offices as well as with government agencies in Washington? [b] If so, please advise which procedure is utilized by each of the seven IRS facilities and by Washington DC in the case of government offices. [c] If so, please confirm, or explain if you are unable to confirm, that the procedure as provided on pages 3 and 4 of your response provides a complete and accurate response to the original interrogatory. [d] If not, please explain when the data will be provided as to the means of delivery of accountable mail to each of the seven IRS facilities and to government agencies in Washington. [e] The wording in explaining both Procedure 1 and Procedure 2 refers to the IRS. Please explain how it applies to mail addressed to government agencies in Washington.

in the description of "Procedure 1" in response to interrogatory DBP/USPS-145.

This interrogatory asks for information that the Postal Service already objected to providing in its partial objection to DBP/USPS-145, filed June 17, 2005. In its partial response to DBP/USPS-145, and its responses to related interrogatories, the Postal Service has already provided enough information to deal with the issues in this proceeding. The Postal Service does not already have the information to respond to parts a-c, and will not take on the burden of obtaining more information simply because Mr. Popkin repeats the questions.

DBP/USPS-216. Please refer to your response to DBP/USPS-145. [a] Please provide a copy of PS Form 3883. [b] Does PS Form 3883 provide a place for the addressee to sign to indicate receipt of the mail? [c] If so, please explain why the addressee's signature is obtained on PS Form 3849 and not on PS Form 3883. [d] Please confirm, or explain if you are unable to confirm, that PS Form 3849 has a place for indicating the number[s] of the accountable mail article[s]. [e] Please explain why no article numbers are placed on the PS Form 3849 that is signed by the addressee.

This interrogatory asks for details about Forms 3849 and 3883 that are not relevant to the issues in this proceeding. Moreover, this is not proper follow-up to the responses provided, since it goes beyond what is needed to understand the response to DBP/USPS-145. If this level of follow-up is allowed, then the Postal Service will feel pressed to omit details in its responses in order to avoid opening up new lines of inquiry.

DBP/USPS-217. Please refer to your response to DBP/USPS-145. [a] Please confirm, or

explain if you are unable to confirm, that the Postal Service provides a number of mail services that the mailer is able to request or allow for a waiver of signature on the mail delivery and that by doing so allows for the USPS delivery employee to, in effect, sign for the mailpiece in behalf of the addressee and that this request for waiver of signature is made by the mailer and not by the addressee. [b] Please explain why an objective evaluation of Procedure 1 could not be considered as being similar to a waiver of signature procedure. [c] Please confirm, or explain if you are unable to confirm, that mailers of accountable mail that is sent to an addressee where the Postal Service utilizes Procedure 1 to complete delivery have not made a request for waiver of signature. [d] Please confirm, or explain if you are unable to confirm, that waiver of signature is not available for use with Certified Mail or with return receipts, either hard copy or electronic versions.

The Postal Service objects to this question as cumulative, irrelevant, and not proper follow-up. Mr. Popkin is not seeking clarification of the Postal Service's response to DBP/USPS-145, but rather seems to want the Postal Service to present Mr. Popkin's testimony or argument about how Procedure 1, described in the response to DBP/USPS-145, is comparable to signature waiver. This is a matter for Mr. Popkin's testimony or brief, rather than an area for discovery. In any case, the comparison is not relevant to the issues in this proceeding. Moreover, procedure 1 does provide a signature comparable to the signatures that have traditionally been provided for deliveries to large organizations.

DBP/USPS-218. Please refer to your response to DBP/USPS-145. [a] Please confirm, or explain if you are unable to confirm, that when a mailer sends accountable mail to the IRS or another government agency that the purpose is to be able to

prove that the addressee receive the mailpiece. [b] In the example provided in Procedure 1, please explain how a mailer who receives proof that the Postal Service indicates that the addressee has received the mailpiece is able to hold the addressee accountable for receiving the mailpiece. [c] Please provide information as to what arrangements exist between the Postal Service and the addressee that will allow a mailer to hold the addressee accountable for receiving a mailpiece that has been signed for by the Postal Service and not the addressee irrespective of the indication that may appear on the signature. [d] Please provide copies of any agreements that exist with respect to subpart c or which allow the Postal Service to act as an agent of the addressee to apply the addressee's signature to various postal forms.

The Postal Service objects because this interrogatory is cumulative, as similar questions were asked in DBP/USPS-144. Furthermore, while the Postal Service is not aware of any written agreements, inquiring whether there are such agreements in the field, and obtaining any such agreements would take hours, a burden not justified by the relevance of such agreements to this proceeding. With respect to part a, the Postal Service cannot speak to the purpose its customers have for selecting services. The issues of accountability between postal customers and government agencies, asked about in parts b-c, are legal matters for which discovery to the Postal Service is not a proper forum.

DBP/USPS-219. Please refer to your response to DBP/USPS-145. [a] Please confirm, or explain if you are unable to confirm, that the existing USPS regulations require that the addressee sign for accountable mail prior to the transfer control of the mail from the Postal Service to the addressee. [b] Please explain the purpose of these regulations. [c] Please

confirm, or explain if you are unable to confirm, that Procedure 1 does not allow compliance with these regulations.

The Postal Service objects because these questions are cumulative, and lack relevance to the issues in this proceeding. The Postal Service has already admitted that full compliance with regulations may not be practical in all circumstances, in the revised response to DFC/USPS-32, and the responses to DBP/USPS-144 and 145. In any case, compliance with Postal Service regulations does not have a sufficient nexus to value of service or other issues in this proceeding.

DBP/USPS-220. Please refer to your response to DBP/USPS-145. Your response in providing the two procedures appears to be focused only on Certified Mail and the hard copy green return receipt card. Please provide similar information for the electronic return receipt and Delivery Confirmation.

The Postal Service objects because these questions are cumulative, and lack relevance to the issues in this proceeding. The Postal Service has objecting to providing more detail than already provided in its response to DBP/USPS-145. Moreover, the procedures discussed in that response are similar to those for Delivery Confirmation and the electronic option for return receipt procedures. Delivery Confirmation involves the same delivery scan as Certified Mail, but without obtaining a signature, while the electronic option for return receipt follows

the same delivery procedures as for Certified Mail without electronic return receipt.

DBP/USPS-222. Please refer to your response to DBP/USPS-145. [a] Please confirm, or explain if you are unable to confirm, that the existing USPS regulations require that return receipts are placed in the mail no later than the day after delivery of the underlying mailpiece and that return receipts are required to be evaluated for proper completion prior to returning them to the mailer. [b] Please explain the purpose of these regulations. [c] Please confirm, or explain if you are unable to confirm, that Procedure 2 does not allow compliance with these regulations. [d] Please advise what steps the Postal Service does to ensure compliance with the regulation that return receipts are required to be evaluated for proper completion prior to returning them to the mailer. [e] Does the Postal Service even check to see that all of the green return receipt cards are even returned for mailing to the sender? [f] If so, please explain the procedure; if not, why not?

The Postal Service objects because these questions are cumulative, and lack relevance to the issues in this proceeding. The Postal Service has already admitted that full compliance with regulations may not be practical in all circumstances, in the responses to DFC/USPS-32, as revised June 21, 2005, and DBP/USPS-144. But compliance with Postal Service regulations in limited circumstances does not have a sufficient nexus to value of service or other issues in this proceeding. Finally, discovery on possible individual failures to follow postal or IRS procedures lacks relevance to the issues in this proceeding.

DBP/USPS-223. Please refer to your response to DFC/USPS-32. [a] Please quantify the term "high volume addresses" that appears on line 5 of your response. [b]

Please explain why delivering return receipt mail to high volume addresses does not allow for obtaining signatures on the green card before the mail is transferred to the recipient. [c] Please provide any guidelines, directives, memoranda, etc. that have been released in the past 5 years from Headquarters or Area offices with respect to providing proper service for accountable mail and/or return receipts. [d] Please provide any guidelines, directives, memoranda, etc. that have been released in the past 5 years from Headquarters or Area offices with respect to defining the term "high volume addresses".

The Postal Service objects because the definition of "high volume addresses" is not relevant to the material issues in this proceeding, and because the requests for guidelines, directives, and memoranda is cumulative to interrogatories DFC/USPS-9, 42, and 52. Part b is cumulative to the revised response to DFC/USPS-32, filed June 21, 2005, which refers to several sources of responsive information.

The Postal Service therefore objects to interrogatories DBP/USPS-214-220, and 222-223.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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