

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
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Postal Rate and Fee Changes]
Pursuant to Public Law 108-18]

DOCKET NO. R2005-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES DBP/USPS-183-184, 187-188, 190, 192 subparts d-h and I, 195-197, AND 199.

I move to compel responses to the interrogatories submitted to the United States Postal Service that have been objected to by them.

July 12, 2005

Respectfully submitted,

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528
R200510Omtc

On June 20, 2005, I submitted Interrogatory DBP/USPS-183. On June 30, 2005, the Postal Service filed an objection to that interrogatory on the basis that it relates to specific offices on specific days and therefore is irrelevant and not likely to lead to relevant information.

The interrogatory reads as follows:

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 relates to the value of service of Express Mail. I incorporate the contents of the Douglas F. Carlson Motion to Compel the USPS to Respond to Interrogatories DFC/USPS-90-97 as it relates to the value of service of Express Mail filed on July 11, 2005. Subparts a, b, and c ask for the results of mailing an Express Mail article on a Saturday to a nearby point [where transportation exists for next day delivery] that does not provide for Sunday delivery. If I ask the question in a generic manner, then I don't receive a responsive answer. Therefore, I made the choice to ask the question in a very specific manner. While it relates to two particular ZIP Codes on particular days, it does represent a generic situation that could then be confirmed in a follow-up interrogatory once the response was received.

Subparts d, e, and f relate to how this type of mailing would appear on the USPS website. The USPS website is an important source of information to many mailers and should provide correct and appropriate information. The value of the service of Express Mail is directly related to the ability of mailers to obtain correct and appropriate information from the USPS website.

Subparts g and h relate to inconsistencies that exist in the claimed level of service.

One of my topics that I plan to utilize in my Brief is to encourage the Commission to issue a report that requests the Postal Service to correct their website to provide correct and appropriate information with respect to Express Mail so as to improve the value of service to mailers. Therefore, this information is required.

On June 20, 2005, I submitted Interrogatory DBP/USPS-184. On June 30, 2005, the Postal Service filed an objection to that interrogatory on the basis that it is irrelevant.

The interrogatory reads as follows:

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 attempts to evaluate the accuracy of the database that is utilized by PTS. PTS relates to the delivery of Express Mail and therefore to the value of that service.

On June 20, 2005, I submitted Interrogatory DBP/USPS-187 and 188. On June 30, 2005, the Postal Service filed an objection to that interrogatory on the basis that they deal with detailed operational aspects of Express Mail and are thus irrelevant.

The interrogatory reads as follows:

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.

These interrogatories inquire as to various criteria that deal with a mailer presenting Express Mail articles for deposit. The ability to utilize the service and receive the promised level of service relate directly to the value of service. I incorporate the contents of the Douglas F. Carlson Motion to Compel the USPS to Respond to Interrogatories DFC/USPS-90-97 as it relates to the value of service of Express Mail filed on July 11, 2005. The Postal Service claims that these are "highly specific operational details". These interrogatories are obviously very specific so that I will be able to receive the responses that relate to the value of service. If I ask generic questions I will not receive responses to the specific concerns that I have.

One of my topics that I plan to utilize in my Brief is to encourage the Commission to issue a report that requests the Postal Service to provide correct and appropriate information with respect to Express Mail so as to improve the value of service to mailers. Therefore, this information is required.

On June 20, 2005, I submitted Interrogatory DBP/USPS-190. On June 30, 2005, the Postal Service filed an objection to that interrogatory on the basis of relevance and improper follow-up.

The interrogatory reads as follows:

DBP/USPS-190 Please refer to your response to DFC/USPS-75. Your response appears to indicate that the National CMBS 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].

Just because the Postal Service believes that Mr. Carlson may have asked an interrogatory for a specific reason, that does not preclude me from following up on a response to serve my purposes.

On June 20, 2005, I submitted Interrogatory DBP/USPS-192. On June 30, 2005, the Postal Service filed an objection to that subparts d and h and l of that interrogatory on the basis that they have nothing to do with the business of the Postal Service. The objection to subpart l is based on relevance.

The interrogatory 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.

Intervener Carlson made several attempts to determine the difference between weekday and weekend Express Mail service. I incorporate the contents of the Douglas F. Carlson Motion to Compel the USPS to Respond to Interrogatories DFC/USPS-90-97 as it relates to the value of service of Express Mail filed on July 11, 2005. Ultimately the Postal Service chose to provide the data for 10001 as their belief that this would be the one ZIP Code that would best indicate the appropriate values for weekday vs. weekend Express Mail service. As pointed out by Mr. Carlson and as should be obvious to just about anyone in the United States, New York City is probably the LEAST representative post office in the country. Subparts d through h are obviously related to the apparent decision making that the Postal Service utilized in arriving at 10001 as the most representative ZIP Code for evaluating Express Mail service. Subpart g relates to the access to air transportation utilized by the Postal Service. Subpart h relates to the differences that are created for the Postal Service with respect to East coast vs. West coast as it relates to Express Mail. Sending mail from the Eastern Time zone to the Pacific Time zone has 22 clock hours for the local times of 5 PM at the originating office to 12 Noon at the delivering office. Sending mail in the reverse direction has only 16 clock hours.

Utilizing 10001 vs. 10199 on the Postal Service website as the originating ZIP Code appears to provide different results. Subpart I is attempting to determine the significance of that difference and determine which ZIP Code applies to which postal facilities under the jurisdiction of the New York NY Post Office. I believe that 10001 is assigned to the area around the J A Farley main New York City post office while 10199 is the ZIP Code assigned to the District Manager/Postmaster of the New York NY Post Office.

On June 20, 2005, I submitted Interrogatory DBP/USPS-195. On June 30, 2005, the Postal Service filed an objection to that interrogatory on the basis that it is irrelevant and improper follow-up.

The interrogatory reads as follows:

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.

This interrogatory is clearly relevant. The 070-073 ZIP Code area is the only current Express Mail directory that I have available. This area is just across the Hudson River from New York City, the ZIP Code that the Postal Service chose to provide data for and therefore is somewhat situated although certainly is not the major facility that New York City is. However, without an Express Mail directory for New York City [see Interrogatory DBP/USPS-196 - also objected to], it is not possible to evaluate the difference between the two areas.

I incorporate the contents of the Douglas F. Carlson Motion to Compel the USPS to Respond to Interrogatories DFC/USPS-90-97 as it relates to the value of service of Express Mail filed on July 11, 2005.

The need for the data covered in the response to DFC/USPS-76 to be broken down into two separate ZIP Code ranges is highly significant. The response showed that approximately 53% of the ZIP Codes that are reachable on a weekday will be reachable on a weekend. My belief

is that this high percentage is due to the large concentration of ZIP Codes in the congested Northeast region of the country - the area that is within surface transportation. My perception is that if two separate breakdowns are provided = 010 to 227 [the highest ZIP Code that has weekend service] will show a high percentage of weekday ZIP Codes that are available also on a weekend while the other half¹ of the breakdown = 006 to 009 and 228 to 999 will show whatever number of them are available on weekday service but that NONE of those ZIP Codes will be available on a weekend. This will provide the most graphic presentation of the data to show the reduction of weekend service when compared to weekday service. This is probably the greatest effect on the value of service of Express Mail which has now deteriorated to where some 11% of the volume is now guaranteed for delivery on the 3rd or 4th calendar day after mailing.

This is a valid follow-up interrogatory which became necessary by the Postal Service's choice of only providing the data for a single office and New York NY at that.

On June 20, 2005, I submitted Interrogatory DBP/USPS-196. On June 30, 2005, the Postal Service filed an objection to that interrogatory on the basis that is irrelevant.

The interrogatory reads as follows:

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

The Postal Service chose to provide the data for a single ZIP Code. The request to provide that Express Mail directory is completely relevant since participants in this proceeding have the right to evaluate the data that was provided in the response to DFC/USPS-76. Without the directory, it would be necessary for a participant to utilize the Postal Service's website and enter in every one of the 40-thousand plus ZIP Codes [if one had knowledge of all active ZIP Codes] or all 100-thousand potential ZIP Codes [if one did not have access of all active ZIP Codes]. This directory is the backup data for the response.

¹ Weekday service is available to all or part of all 50 states.

On June 20, 2005, I submitted Interrogatory DBP/USPS-197. On June 30, 2005, the Postal Service filed an objection to that interrogatory on the basis that it is so local that it bears no relevance to postal ratemaking.

The interrogatory reads as follows:

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 clearly relevant.

I incorporate the contents of the Douglas F. Carlson Motion to Compel the USPS to Respond to Interrogatories DFC/USPS-90-97 as it relates to the value of service of Express Mail filed on July 11, 2005.

The need for the data covered in the response to DFC/USPS-76 to be broken down into two separate ZIP Code ranges is highly significant. The response showed that approximately 53% of the ZIP Codes that are reachable on a weekday will be reachable on a weekend. My belief is that this high percentage is due to the large concentration of ZIP Codes in the congested Northeast region of the country - the area that is within surface transportation. My perception is that if two separate breakdowns are provided = 010 to 20001-24599 [since I do not have the New York NY Express Mail directory, I requested that for the upper limit they choose the highest ZIP Code that has weekend service] will show a high percentage of weekday ZIP Codes that are available also on a weekend while the other half² of the breakdown = 006 to 009 and 20001/24599 to 999 will show whatever number of them are available on weekday service but that NONE of those ZIP Codes will be available on a weekend. This will provide the most graphic presentation of the data to show the reduction of weekend service when compared to weekday service. This is probably the greatest effect on the value of service of Express Mail which has now deteriorated to where some 11% of the volume is now guaranteed for delivery on the 3rd or 4th calendar day after mailing.

² Weekday service is available to all or part of all 50 states.

This is a valid follow-up interrogatory which became necessary by the Postal Service's choice of only providing the data for a single office and New York NY at that.

On June 20, 2005, I submitted Interrogatory DBP/USPS-199. On June 30, 2005, the Postal Service filed an objection to that interrogatory on the basis that they do not track the information.

The interrogatory reads as follows:

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.

Just because the Postal Service does not track this information is no reason not to provide the best estimate by those that are responsible for the choice of services. Estimates by those responsible for activities are not speculative. This information is related to the level of weekend Express Mail service and therefore to the value of service.

For the reasons stated, I move to compel responses to the referenced interrogatories since they are reasonably calculated to lead to the discovery of admissible evidence.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

David B. Popkin July 12, 2005
