

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 DBP/USPS-198
(July 14, 2005)

The Postal Service hereby objects to interrogatory DBP/USPS-198, filed by David B. Popkin on June 20, 2005. This interrogatory, and an earlier interrogatory and response referred to in DBP/USPS-198, are stated verbatim below and are followed by the Postal Service's objection.

DBP/USPS- 198

DBP/USPS-198 Please refer to your response to DBP/USPS-41. [a] Does a postmaster have the discretion of providing post office box delivery service only five days a week [also less any holidays and/or days around a holiday that are not an official holiday such as Thanksgiving Friday]? [b] If so, what is the regulatory authority for providing less than six days a week delivery? [c] Please specify any conditions where customers having street delivery will receive mail on a day when a post office box customer will not have delivery service. [d] If six days a week delivery service is required [other than official holidays] must the post office place incoming mail into the boxes? [d] If six days a week delivery service is required [other than official holidays] must the post office provide access to the post office box at a time after which Saturday's incoming mail has been placed into the post office box? [d] If six days a week delivery service is required [other than official holidays] must the post office make arrangements to allow for post office box customers to have the ability on Saturday to pick up accountable mail and articles that are too large for the box?

The referenced interrogatory and response are as follows:

DBP/USPS-41 Please refer to your response to DBP/USPS-15 as it relates to delivery to post office boxes. In those offices that do not provide retail window services on a Saturday but do have post office boxes for mail delivery.

[a] Is it required that customers have access to their box at a time after which Saturday's incoming mail has been placed into the box?

[b] Is it required that post office box customers have the ability to pick up accountable mail and articles that are too large for the box on Saturdays?

[c] Does this requirement also apply to every Monday through Saturday that is not an official holiday such as might occur on Thanksgiving Friday, Christmas eve, New Years eve, etc.?

[d] Please explain any negative responses.

RESPONSE:

(a)-(d) At the postmaster's discretion, when no one is on duty, lobbies may remain open to allow customers access to Post Office boxes and self-service equipment, provided that customer safety, security provisions, and police protection are deemed adequate by the Inspection Service.

The Postal Service objects to DBP/USPS-198 because it seeks irrelevant, detailed information and does not constitute proper follow-up. The Postal Service has been asked and has answered many similar questions on this issue. Moreover, the Postal Service objects to DBP/USPS-198 because its substance is very similar to interrogatories to which the Postal Service has previously objected. A similar question was asked in the instant case as DBP/USPS-20, to which the Postal Service filed an objection on April 18, 2005. Yet another similar question was propounded as DBP/USPS-8 in R2001-1, and again as DBP/USPS-23 in R2000-1.

DBP/USPS-198 and its antecedent versions seek minutiae about delivery and retail services at post offices without Saturday window services. The standards governing the level of detail that may reasonably be requested are

quite clear. In Docket No. R2000-1, the Presiding Officer denied Mr. Popkin's motion to compel a response to the first of these interrogatories, DBP/USPS-23, which sought details on Saturday service at post offices without retail window service on that day. See P.O. Ruling No. R2000-1/56. In that case, the Presiding Officer ruled:

The nature of these questions [DBP/USPS-22 and 23] and the level of detail requested place these interrogatories outside the realm of appropriate discovery in this proceeding. Therefore, the Service will not be required to provide a response.

P.O. Ruling No. R2000-1/56 at 5-6.

In addition, the Presiding Officer's Ruling on DBP/USPS-19/R2000-1 (which was structurally similar to DBP/USPS-23 in that same docket, as noted in P.O. Ruling No. R2000-1/56 at 5-6) stated:

[M]atters of purely personal interest or concerning purely local conditions are often not relevant in an omnibus proceeding, and are therefore objectionable on that basis. Mr. Popkin has not shown sufficient nexus between the detail he requests, and the development of relevant evidence to warrant compelling answers.

P.O. Ruling No. R2000-1/56 at 5. The same relevance concerns identified by the Presiding Officer in R2000-1 are equally applicable today with respect to DBP/USPS-198.

Finally, DBP/USPS-198 does not constitute proper follow-up under Rule 26(a). This interrogatory was submitted on June 20, 2005, three days after the completion of discovery on the Postal Service's direct case, and it must satisfy the requirements of Rule 26(a) to be a valid follow-up interrogatory. In interpreting follow-up discovery under Rule 26(a), the Presiding Officer has stated:

To decide whether interrogatories can reasonably be deemed follow-up, one must look at the original question and answer and then determine whether the new question is a logical next step in consideration of the issue.

See P.O. Ruling No. R90-1/56 at 2. In this interrogatory, Mr. Popkin inquires about a postmaster's discretion in providing post office box delivery service, referencing the Postal Service's response to DBP/USPS-41. However, the Postal Service's response to that interrogatory discussed a postmaster's discretion in restricting post office lobby access when no one is on duty, not the provision of post office box delivery service. A postmaster's discretion in providing post office box delivery service is not a logical next step in considering lobby access at post offices. DBP/USPS-198 does not aid in clarifying or understanding the underlying interrogatory, and instead opens up a new line of questioning. See P.O. Ruling No. R2001-1/40 at 4.

Therefore, the Postal Service objects to DBP/USPS-198 because it is an improper follow-up interrogatory and it seeks irrelevant, detailed information.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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