

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

PARTIAL OBJECTIONS OF THE UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OF DAVID B. POPKIN
(DBP/USPS-266, 267, and 299)
(July 28, 2005)

The United States Postal Service hereby objects partially to interrogatories DBP/USPS-266, 267, and 299, the first two of which were filed by David Popkin on July 18, 2005, and the latter of which was filed on July 25, 2005, on the grounds of improper follow-up, lateness, and lack of relevance and materiality. Additional grounds for objection are identified in the discussion of respective questions. The three interrogatories follow:

DBP/USPS-266. Please refer to your response to DBP/USPS-224 subparts c and d. Your response to subpart c was "reversed". The interrogatory asked if the potential delivery point was within 1/4 mile of the rural post office and either on the line of travel of a rural delivery carrier or in an area covered by city delivery service, then must that delivery point be provided delivery service? Your response was that if they were not provided carrier delivery they would be eligible for a free post office box. My question is the reverse of that, namely, if they are located close to the post office and on the line of travel, must they be provided carrier delivery? If not, please explain.

DBP/USPS-267. Please refer to your response to DBP/USPS-225.
[a] Please confirm, or explain if you are unable to confirm, that the residents of Garrett Park who receive carrier delivery from a neighboring post office are "forced" to utilize an address for that post office rather than their "correct" Garrett Park address.

[b] Please confirm, or explain if you are unable to confirm, that the residents of Garrett Park who receive mail delivery by going to the post office to pick up their mail will have a Garrett Park post office box address and will be required to pay for that box.

[c] Please confirm, or explain if you are unable to confirm, that if the carrier delivery was not provided to a specific Garrett Park residence, then that resident could obtain their post office box free of charge.

DBP/USPS-299. Please refer to your response to DBP/USPS-237, 238, and/or 239.

[a] If the EXFC mailpieces containing PLANET and POSTNET barcodes are scanned during mail processing and the scan data for these pieces are excluded from the Confirm database, what database are they available in and who has access to that data base?

[b] If they are in a database, what security exists to ensure that the data is only available to those few USPS employees previously identified as having access to EXFC internal information.

[c] If they are not in a database, what use is made of them and why are the codes included in the first place?

Each of these interrogatories engages in Mr. Popkin's favorite game: How long can a chain of follow-up questions, regardless of relevance or materiality, continue? The Postal Service hereby asserts that each chain has exceeded the boundaries of relevance or materiality. The Postal Service objections are only partial, however, so that purportedly follow-up, argumentative questions posed by Mr. Popkin can be shown for what they are. The Postal Service objects to providing any responses to these questions beyond the planned responses described below, and also will object to any attempt to follow partial responses (or this objection) with additional questions. These interrogatories are not relevant to any issues in this proceeding, whose intent is to spread the escrow requirement equally among all postal classes and services; as such they do not meet the required standard of leading to the production of admissible evidence.

Interrogatory **DBP/USPS-266** purports to follow upon the response to DBP/USPS-224 (July 11, 2005), which itself purported to follow upon responses to OCA/USPS-175 (June 24, 2005). OCA/USPS-175 inquired about Postal Service policies affecting carrier delivery, or in the alternative no fee post office box service. The response explained that no fee “post office box service was introduced in part to address perceived unevenness in how carrier service is provided in various places.” Operation of the quarter mile rule was cited as one example of unevenness that no fee post office box service addressed.¹

Mr. Popkin followed upon that response by filing DBP/USPS-224 asking whether “rural post office” implied delivery by rural carriers and

[c] If a potential delivery point is within ¼ mile of a rural post office and is either on the line of travel of a rural delivery carrier or is in an area covered by city delivery service, must they be provided delivery service?

The response to this latter question was

A response to part (c) depends on the details of the particular delivery point. If carrier delivery were not provided then that potential delivery point would be eligible for a free post office box.

Mr. Popkin now follows this response to DBP/USPS-224 with DBP/USPS-266 (quoted in its entirety above) arguing that his question about carrier delivery or no fee post office box service was “reversed” while asking for another response to his previous question. As such, question 266 is also objectionable on the grounds of being cumulative and argumentative. In any event, the Postal Service provided a full and complete response. Despite Mr. Popkin’s apparent insistence that the question

¹ Group E or no fee post office box service was introduced in Docket No. MC96-3 (see PRC Op., MC96-3, at 63) as an alternative means of providing one free form of delivery to business and residential locations.

warrants a different answer, the correct and complete answer is that whether carrier delivery “must be provided” depends on the specific delivery point. While Mr. Popkin apparently prefers that the answer either be that carrier delivery is, or is not, required, the true answer depends upon the delivery point whether he likes it or not. The partial response to the interrogatory will say this.

Mr. Popkin also followed OCA/USPS-175 with DBP/USPS-225, which expressed his disbelief of the response to 175 and that the Postal Service would accommodate customer preferences regarding delivery as explained therein. His particular interest appeared to be the possibility that municipalities could express a preference regarding delivery that the Postal Service would recognize. In response to interrogatory DBP/USPS-225, the Postal Service explained how previous inconsistency in the provision of carrier delivery service led to the provision of no fee post office box service, and provided the requested details for how customer preferences are accommodated in a nearby community mentioned in the response to OCA/USPS-175. In **DPB/USPS-267**, Mr. Popkin now seeks to argue about and re-characterize the previous response, while also asking for confirmation of a proposition previously addressed and a further hypothetical question. As such, this interrogatory is not only immaterial, irrelevant, improper follow-up, and late, it is also argumentative and cumulative, asking questions that have already been answered. Again, the Postal Service objects partially on these grounds but will provide brief responses that affirm the accuracy of previous responses while responding to the substantive inquiries but not the argument in the question. Details of delivery operations in one municipality are, however, well beyond what is relevant to an omnibus rate proceeding so the Postal Service objects to providing any

responses beyond the planned partial response, either to this question or any follow-up to the response or this objection.

Interrogatory **DPB/USPS-299** is Mr. Popkin's latest salvo as he strives to convert Confirm service into a hole in the security of EXFC data collection procedures through which the Postal Service is asserted to conduct wholesale manipulation of EXFC results. The Postal Service has explained through several iterations of questions why Confirm does not provide any such security issue for EXFC. The factual foundation he asserts for his questions has already been eliminated by responses to previous questions, notwithstanding his insistence to the contrary. As such, the Postal Service objects to question 299 on the grounds of improper follow-up, lateness, and lack of relevance and materiality, and lack of a proper foundation.

Interrogatory DBP/USPS-299 purports to follow upon responses to DBP/USPS-237-39. In turn, these latter interrogatories were purported to follow upon the response to DBP/USPS-171(d). That interrogatory, which itself purports to follow upon the response to DBP/USPS-8(g), inquired simply about the data elements of a Confirm PLANET barcode, which the Postal Service simply provided. Via questions 236-37, Mr. Popkin determined that EXFC mailpieces containing Confirm PLANET barcodes are of the outgoing variety (as distinguished from return service), and that such barcodes do not reflect delivery addresses. Via question 238-39, Mr. Popkin determined that scans of EXFC pieces containing Confirm PLANET codes 1) are excluded from the Confirm database, making it impossible for mail processing employees and even officers to identify EXFC pieces from the database; 2) cannot be identified by headquarters employees involved in EXFC; and 3) "are routed exclusively to the EXFC contractor."

For good measure, the Postal Service also noted, “In sum, Confirm data do not provide a means for identifying EXFC mailpieces.” Finally, in response to part (d) which requested elaboration on the security measures that precluded postal employees from identifying EXFC pieces using Confirm data, the Postal Service indicated, “Beyond the measures described above, the Postal Service employs standardized security protocols which themselves preclude making their nature publicly available.”

Interrogatory DBP/USPS-299 now postulates the existence of some other database of Confirm scans for EXFC pieces and asks for the security measures surrounding it. Postal Service responses have already explained the security measures and confidentiality with which Confirm scan data for EXFC pieces are handled, while pointing out that the data are provided exclusively to the EXFC contractor. As such, the Postal Service objects partially to interrogatory DBP/USPS-299 as improper follow-up, late, lacking relevance and materiality, cumulative and redundant. A response pointing Mr. Popkin to the fourth sentence in the response to DBP/USPS-239 (“Data pertaining

to EXFC pieces are routed exclusively to the EXFC contractor.”) can nonetheless be provided.

For all of the reasons discussed above, the Postal Service objects partially to interrogatories DBP/USPS-266, 267 and 299.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

Kenneth N. Hollies

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-3083, Fax -3084