

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

RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OF DAVID POPKIN [DBP/USPS- 284 THROUGH 298]
(August 8, 2005)

The United States Postal Service hereby provides its responses to above-listed interrogatories of David Popkin, filed on July 25, 2005.

The interrogatories are stated verbatim and are followed by the responses.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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**RESPONSE OF UNITED STATES POSTAL SERVICE
TO INTERROGATORY OF DAVID B. POPKIN**

DBP/USPS-284 Please refer to your response to DBP/USPS-164. Your response failed to answer the specific question that was asked in DBP/USPS-164. Regardless of the percentage involved, it relates to the accuracy of the data collection which relates to the value of service.

RESPONSE:

The question gave the Postal Service the option of responding generically. It did. Even if EXFC service performance data were the only factor evaluated in assessing First-Class Mail value of service, within the meaning of 39 USC § 3622(b)(2), the fact that one in 1000 First-Class Mail pieces with a 3-day service standard might get aberrationally fast service has no material bearing on the rate and classification issues in omnibus and classification issues.

**RESPONSE OF UNITED STATES POSTAL SERVICE
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DBP/USPS-285 Please refer to your response to DBP/USPS-173 subpart b. [a] Please clarify what you meant by "depending on the manner in which one measured the envelope." [b] Is there more than one way to measure the thickness of an envelope? [c] What methods are there to measure the thickness of a single envelope? [d] Please confirm or non-confirm the original interrogatory.

RESPONSE:

(a-c) One could measure the thickness of a sealed envelope in different locations and get different measurements. One could measure it after applying pressure to make the points of measurement as flat as possible and to obtain the "thinnest" measurements possible. Alternatively, one could measure it after allowing air inside and without applying flattening pressure, obtaining the "thickest" measurements possible. Accordingly, the Postal Service stands by its answer to DBP/USPS-173.

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DBP/USPS-286 Please refer to your response to DBP/USPS-173 subpart c. Please explain why the Postal Service did not evaluate the thickness of commercially available envelopes when establishing the existing regulation.

Please re-read the answer. In responding to DBP/USPS-173, the Postal Service did not state that it did not evaluate the thickness of commercially available envelopes *at the time that it established the existing regulation*. The Postal Service stated that it did not conduct such an evaluation for the purpose of responding to DBP/USPS-173.

**RESPONSE OF UNITED STATES POSTAL SERVICE
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DBP/USPS-287 Please refer to your response to DBP/USPS-173 subpart d. Please explain why you are not able to respond to the applicability of the nonmachinable surcharge for a mailpiece as described in my original interrogatory. Why must an acceptance employee examine the mailpiece? The mailpiece has been completely described to allow for a response. What would an examination of the mailpiece reveal that is not already described? Any items that are obviously properly completed, such as the mailpiece is properly addressed or that the envelope is made out of paper and not plastic are to be assumed.

RESPONSE:

The Postal Service is not going to hypothesize about the thickness of hypothetical mail pieces. In order to determine the actual thickness of an actual sealed mail piece and whether it meets the specified requirement, the Postal Service will await its presentation to a window service employee responsible for making such a determination. The Postal Service cannot explain what such an examination would reveal that is not already described until such an employee has the piece in hand and compares it to the description offered.

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DBP/USPS-288 Please refer to your response to DBP/USPS-173 subpart e. [a] Please explain the difference between the Postal Service not denying the possibility of such a circumstance and confirming that it is correct. [b] Please respond to the original interrogatory.

RESPONSE:

- (a) In the one instance, the Postal Service is not denying the possibility a circumstance. In the other, the Postal Service is confirming, with certainty, the existence of a circumstance. For instance, the Postal Service does not deny that it is possible for you to direct an interrogatory to it that is material and relevant to the issues raised by its request in this proceeding. On the other hand, the Postal Service confirms, with certainty, that DBP/USPS-288 is not such an interrogatory.
- (b) The Postal Service responded to the original interrogatory.

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DBP/USPS-289 Please refer to your response to DBP/USPS-173 subpart f. For purposes of this interrogatory assume a small size bank check is approximately 2.75 by 6 inches and a large size is approximately 3.5 by 8.5 inches. [a] Please explain the difference between the Postal Service not denying the possibility of such a circumstance and confirming that it is correct. [b] Please respond to the original interrogatory.

(a-b) The Postal Service responded to the original interrogatory. Please also see the responses to DBP/USPS-287 and 288.

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DBP/USPS-290 Please refer to your response to DBP/USPS-173 subpart g. Please explain why you are not able to respond to the applicability of the nonmachinable surcharge for a mailpiece as described in my original interrogatory. Why must an acceptance employee examine the mailpiece? The mailpiece has been completely described to allow for a response. What would an examination of the mailpiece reveal that is not already described? Any items that are obviously properly completed, such as the mailpiece is properly addressed or that the envelope is made out of paper and not plastic are to be assumed.

RESPONSE:

Please see the response to DBP/USPS-287.

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DBP/USPS-291 Please refer to your response to DBP/USPS-173 subpart h. [a] Please explain why the Postal Service is not able to provide data on the type of mail that it handles. [b] Please advise how a response to my original interrogatory relates to the intentional mailing of an empty envelope. [c] Please respond to the original interrogatory.

RESPONSE:

- (a) The Postal Service does not have the data requested in interrogatory DBP/USPS-173(h). On that basis, it is inappropriate to conclude as a general matter that “the Postal Service is not able to provide data on the type of mail it handles.”
- (b) Because, empty or otherwise, very few envelopes are mailed unintentionally.
- (c) The Postal Service responded to the original interrogatory.

**RESPONSE OF UNITED STATES POSTAL SERVICE
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DBP/USPS-292 Please refer to your response to DBP/USPS-173 subpart i. [a] Please explain why the Postal Service is unable to confirm that a specifically described mailpiece is or is not subject to the nonmachinable surcharge. [b] Why must an acceptance employee examine the mailpiece? [c] The mailpiece has been completely described to allow for a response. [d] What would an examination of the mailpiece reveal that is not already described? Any items that are obviously properly completed, such as the mailpiece is properly addressed or that the envelope is made out of paper and not plastic are to be assumed.

RESPONSE:

Please see the response to DBP/USPS-287.

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DBP/USPS-293 Please refer to your response to DBP/USPS-173 subpart j. [a] Please explain why the Postal Service is not able to provide data on the type of mail that it handles. [b] Please explain why the Postal Service is unable to confirm that a specifically described mailpiece is or is not subject to the nonmachinable surcharge. [c] Why must an acceptance employee examine the mailpiece? [d] The mailpiece has been completely described to allow for a response. [e] What would an examination of the mailpiece reveal that is not already described? Any items that are obviously properly completed, such as the mailpiece is properly addressed or that the envelope is made out of paper and not plastic are to be assumed.

RESPONSE:

Please see the response to DBP/USPS-287.

**RESPONSE OF UNITED STATES POSTAL SERVICE
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DBP/USPS-294 Please refer to your response to DBP/USPS-173 subpart I. The original interrogatory asked for the percentage of the area that must have a thickness of 0.009 inch to avoid payment of the surcharge. A response of "an unquantifiable substantial majority" does not provide a proper response. Please provide a response expressed as a numerical percentage from 0% to 100%.

RESPONSE:

The Postal Service has given you the best answer it can give you.

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DBP/USPS-295 Please refer to your response to DBP/USPS-173 subpart m. [a] Please explain how the Postal Service can state that single-piece First-Class Mail not meeting the minimum thickness requirement is an extremely uncommon phenomenon if the percentage of the envelope surface area that must exceed the 0.009 inch limit has not been specified. [b] Please explain how the Postal Service can state that single-piece First-Class Mail not meeting the minimum thickness requirement is an extremely uncommon phenomenon if the Postal Service has not examined the thickness of most commercially available envelopes [see DBP/USPS-173 subpart c].

RESPONSE:

The statement is based upon consultations among experienced mail acceptance and operations employees with years of experience. It is their considered judgment that mail pieces of the type obsessed over in DBP/USPS-173 are extremely uncommon. The Postal Service has no empirical basis for declaring whether the envelopes it encounters in mail acceptance and processing represent *most* of the commercially available envelopes on the market or whether envelopes used in mailing are representative of *less than a majority* of available envelope models. Either way, the Postal Service is able to stand by its statement.

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DBP/USPS-296 Please refer to your response to DBP/USPS-173 subpart n. [a] While you may not expect all 280 million or more of your customers to read the Domestic Mail Manual, do you expect them to comply with it? [b] If not why not? [c] Do you expect postal window clerks or other customer service personnel to read and/or be responsible for the content of the Domestic Mail Manual? [d] If not, why not?

RESPONSE:

- (a) Yes.
- (b) N/A
- (c) They are expected to refer to it when necessary. Others within the Postal Service are responsible for its content.
- (d) N/A

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DBP/USPS-297 Please refer to your response to DBP/USPS-173 subpart p [a] Please provide your best estimate of the percentage of retail windows at post offices have micrometers available. [b] If they do not have a micrometer available, how can they determine compliance with this regulation?

RESPONSE:

- (a) The Postal Service has no basis for providing any empirical estimate.

- (b) If no other tools are available, they would be expected to rely on their experience and judgment.

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DBP/USPS-298 Please refer to your response to DBP/USPS-173 subpart q. If the regulations as written do not allow for any part of the surface area to be less than 0.009 inches thick and if your response to DBP/USPS-173 subpart I provides an interpretation that an unquantifiable substantial majority of the surface area must meet the 0.009 inches thick requirement, please advise how diligence, good faith and assistance of postal personnel will allow for complying with the regulation as written.

RESPONSE:

In the same manner that they always have. Please also see the response to

DBP/USPS-297(b).