

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

RESPONSE OF THE UNITED STATES POSTAL SERVICE
TO MOTION TO COMPEL RESPONSE TO
INTERROGATORIES OF DAVID B. POPKIN
(DBP/USPS-241-243)
(August 3, 2005)

The United States Postal Service hereby opposes David B. Popkin's motion to compel a response to interrogatories DBP/USPS 241 to 243, filed by David Popkin on July 27, 2005 (Motion). These interrogatories follow:

DBP/USPS-241 Please refer to your response to DBP/USPS-170 subparts h and l as provided in the Opposition to DBP/USPS-170 filed on June 27, 2005. Please confirm, or explain if you are unable to confirm, that a change in the Erent value for a given facility could result in a change in the Fee Group and thereby potentially the fee charged for a post office box at that facility.

DBP/USPS-242 Please refer to your response to DBP/USPS-170 subparts h and l as provided in the Opposition to DBP/USPS-170 filed on June 27, 2005. Please discuss the types of events that could occur in the determination of the Erent values that could lead to a change in the Erent value and thereby potentially lead to a change in the determination of the Fee Group for post office boxes at a given facility.

DBP/USPS-243 Please refer to your response to DBP/USPS-170 subparts h and l as provided in the Opposition to DBP/USPS-170 filed on June 27, 2005. Please discuss why the Erent data was not updated to cover changes in facilities that occurred since the original data was developed in Docket R2001-1.

A motion to compel a response to most parts of interrogatory DBP/USPS-170, concerning post office box cost and fee issues, has already been denied.¹ So now Mr. Popkin seeks, in interrogatories DBP/USPS-241-243, to follow up on information provided in the objection to DBP/USPS-170. Mr. Popkin argues that responsive information provided in an objection to an interrogatory should be subject to proper follow-up. Motion at 3-4. But that ignores the clear language of Rule 26(a). Follow-up discovery is for inquiry into interrogatory responses only, and not for questioning on Postal Service legal pleadings.

Mr. Popkin claims that the Postal Service views the interrogatories as irrelevant because the proposal is for a simple 5.4 percent increase. Motion at 4. But the irrelevance relates not just to the across-the-board proposal, but also to the fact that this docket (unlike earlier rate cases) does not involve changes to Erents. Thus, Mr. Popkin's questions about Erent changes are not relevant to this proceeding.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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¹ Presiding Officer's Ruling No. R2005-1/48 (July 8, 2005).