

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 INTERROGATORY DBP/USPS-  
278 SUBPART A.

I move to compel that the Postal Service provide a satisfactory response to my Interrogatory DBP/USPS-278 Subpart a.

August 8, 2005

Respectfully submitted,

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528  
R20051ZZmtc278

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On July 18, 2005, I filed Interrogatory DBP/USPS-278. This interrogatory attempted to follow-up on Interrogatory DBP/USPS-117 in an effort to determine the rationale behind the Postal Service's response to a number of previous interrogatories. The original interrogatory in Docket R2001-1 was DBP/USPS-16 subpart b.

The thrust of these interrogatories was to first determine the Postal Service's policy as it relates to what determines on-time delivery of Express Mail to a Post Office Box or to General Delivery. In particular the concern is what happens when the attempted delivery takes place at a time when the post office box section is closed or otherwise inaccessible to the boxholder or when the box section is accessible, however, there is no way for the boxholder to obtain the Express Mail piece.

The Postal Service's various responses stated that it considered it to be appropriate to claim on-time delivery when the mail piece arrives at the destination post office and delivery is attempted before the guaranteed time even though the boxholder does not and can not have access to the mailpiece and potentially will not have access to it for another three days.

These interrogatories attempted to find out the rationale behind the Postal Service's claim that "it is appropriate" and why that belief was held. The interrogatory asked why and the response just stated that it was appropriate.

As the one who asked the question, I believe that I am entitled to receive a response to the question that I asked.

Where the Postal Service is able to claim on-time delivery of Express Mail when the addressee will not have access to the mailpiece for potentially another three days, certainly relates to the value of that service. Since 24-percent of the post offices countrywide and as much as 56-percent in the Pacific Area do not have retail window service on Saturday<sup>1</sup>, this becomes a significant concern. In addition to Saturday, it also could apply at many of the smaller post offices around the country that have limited weekday service and accessibility.

Therefore, it is relevant to the value of service for Express Mail and also to the value of service for Post Office Box delivery to know the Postal Service's rationale behind their believe that it is appropriate to claim on-time delivery of Express Mail even though the addressee could not have access to claiming the mailpiece.

The following are the relevant interrogatories and the Postal Service's responses:

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

**DBP/USPS-278.** Please refer to your response to DBP/USPS-117 subpart b. The original interrogatory asked for the rationale behind the decision that allows the Postal Service to claim on-time delivery of an Express Mail article at a post office box by placing a notice in the box by the guaranteed time even though the boxholder either has no access to the box or the ability to claim the article from the post office personnel.

(a) Your response to DBP/USPS-117 subpart b just referred to the response to DBP/USPS-82 and stated that "It is appropriate" when my interrogatory asked why it is appropriate. Please explain why it is appropriate for the Postal Service to claim on time delivery when the addressee does not and can not have access to the mailpiece and potentially will not have access to in for another three days.

(b) Please confirm, or explain if you are unable to confirm, that in order for the Postal Service to be able to claim on-time delivery of an Express Mail article being delivered by a city delivery,

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<sup>1</sup> See Interrogatories DBP/USPS-126 and DBP/USPS-226.

rural delivery, or highway contract route delivery carrier, the carrier must attempt to deliver the actual Express Mail article at the addressee's delivery location.

**RESPONSE:**

(a) As noted in the response to DBP/USPS-82(b), the Postal Service considers it to be appropriate to claim on-time delivery when the mailpiece arrives at the destination post office and delivery is attempted before the guaranteed time.

(b) As the response to DBP/USPS-82(a) indicates, confirmed.

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

**DBP/USPS-117.**

(a) Please reconcile the difference in the responses to DFC/USPS-59 and DBP/USPS-82 subpart b as they relate to the delivery of Express Mail to post office boxes when the customer does not have access to the box to receive the notification and/or the ability to claim the article.

(b) If the Postal Service is allowed to claim on-time delivery of an Express Mail article by placing a notice of delivery in the customer's post office box at a time when either the customer does not have access to the box so as to be able to determine that the article is waiting for pickup and/or at a time when the customer is unable to retrieve the article, please explain the rationale for that determination.

**RESPONSE:**

a) A revised response to DFC/USPS-59 has been filed which reconciles the difference. An Express Mail piece is considered delivered on-time if the notice is placed in the box by the guaranteed time.

b) Please see the response to DBP/USPS-82(b).

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**RESPONSE OF THE UNITED STATES POSTAL SERVICE TO INTERROGATORY OF DOUGLAS CARLSON (REVISED 7/13/05)**

**DFC/USPS-59.** Please refer to the response to DFC/USPS-6. Please explain whether Express Mail is considered delivered on-time to a post-office box if a signature for the item is required and if the Postal Service places a notice of attempted delivery, such as a Form 3849, in the customer's post-office box after the last time on that day in which the Postal Service provides retail or other service that would allow the customer to pick up the item (e.g., a delivery attempt at 2:20 PM in a post office whose retail window and pick-up services ended at 2:00 PM).

**RESPONSE:**

Delivery of Express Mail addressed to a post office box is attempted when a notice is placed in the box. If the notice is placed in the post office box by the guaranteed time, the Express Mail piece is considered delivered on-time.

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

**DBP/USPS-82.** Please refer to R2001-1 Interrogatory DBP/USPS-16.

(a) Confirm, or explain if you are unable to do so, that for Express Mail articles other than those addressed to a Post Office Box or General Delivery, an actual physical attempt at the addressee's location must be made prior to the guaranteed time or it will be considered a failure (and thus a refund of postage may be obtained) unless it meets one of the two exemptions in DMM Section E500.5.3/6.2 a and b.

(b) Confirm, or explain if you are unable to do so, that Express Mail which is addressed to a Post Office Box or General Delivery will constitute a failure if the addressee does not have access to the post office box and/or the ability to claim the article such as might occur if the box section was closed or the notice of arrival was placed in the box but it was not possible for the addressee to claim the mail. If your answer is the same as provided in R2001-1, please advise why it is appropriate to be able to claim on time delivery when the addressee is unable to physically acquire the article prior to the guaranteed time.

(c) Confirm, or explain if you are unable to do so, that contacting an addressee by telephone or by requiring an addressee to pick up their Express Mail at a facility would constitute a failure (other than PO to PO service).

(d) Confirm, or explain if you are unable to do so, that the guaranteed delivery times for both PO to Addressee and PO to PO will be the same areas - both overnight and second day.

(e) Clarify DMM Section E500.6.4 – if a PO-PO Express Mail article is sent to a second day area on a Saturday, will delivery be guaranteed on Monday or Tuesday (assume the delivery office is closed on Sunday and open the other six days of the week - is delivery made on the second business day after mailing- Tuesday in this case - or is it delivered on the first business day which is on or after the second day - Monday in this case)?

**RESPONSE:**

(a) See the response to DBP/USPS-16(a) in Docket No. R2001-1.

(b) See the response to DBP/USPS-16(b) in Docket No. R2001-1. It is appropriate to claim on time delivery when the mailpiece arrives at the destination post office and delivery is attempted before the guaranteed time.

(c) See response to DBP/USPS-16(c) in Docket No. R2001-1.

(d) See response to DBP/USPS-16(e) in Docket No. R2001-1.

(e) See response to DBP/USPS-16(f) in Docket No. R2001-1.

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**DOCKET R2001-1 ///// RESPONSE OF UNITED STATES POSTAL SERVICE TO INTERROGATORIES OF DAVID B. POPKIN DBP/USPS-16**

[a] Confirm, or explain if you are unable to do so, that for Express Mail articles other than those addressed to a Post Office Box or General Delivery, an actual physical attempt at the addressee's location must be made prior to the guaranteed time or it will be considered a failure [and thus a refund of postage may be obtained] unless it meets one of the two exemptions in DMM Section E500.5.316.2 a and b.

[b] Confirm, or explain if you are unable to do so, that Express Mail which is addressed to a Post Office Box or General Delivery will constitute a failure if the addressee does not have access to the post office box and/or the ability to claim the article such as might occur if the box section was closed or the notice of arrival was placed in the box but it was not possible for the addressee to claim the mail.

[c] Confirm, or explain if you are unable to do so, that contacting an addressee by telephone or by requiring an addressee to pick up their Express Mail at a facility would constitute a failure [other than PO to PO service].

[d] May Post Office to Post Office Service be sent to all post offices in the areas as noted in response to DBP/USPS-1 I? If not, provide a listing of all offices to which it may be sent.

[e] Confirm, or explain if you are unable to do so, that the guaranteed delivery times for both PO to Addressee and PO to PO will be the same areas - both overnight and second day.

[f] Clarify DMM Section E500.6.4 - if a PO-PO Express Mail article is sent to a second day area on a Saturday, will delivery be guaranteed on Monday or Tuesday [assume the delivery office is closed on Sunday and open the other six days of the week - is delivery made on the second business day after mailing - Tuesday in this case - or is it delivered on the first business day which is on or after the second day - Monday in this case]?

RESPONSE:

a. Confirmed.

b. Not confirmed. Delivery of Express Mail addressed to a post office box is attempted when a notice is placed in the box, regardless of whether or not the customer has access to the box at that time. Delivery of Express Mail addressed to a general delivery address is attempted when the article arrives at the postal facility, regardless of whether or not the customer has access to the postal facility at that time.

c. Although a telephone call could be provided as a courtesy to the customer, if the mailpiece is not delivered until after the guaranteed time this would be considered a failure.

d. No. IRTs and POS-1 systems will flag any Express Mail with post office to post office service if the three-digit ZIP Code pairs are not authorized for the service. A list of the valid three-digit ZIP Code pairs for Express Mail post office to post office service is attached. [This attachment has been removed]

e. Assuming both types of Express Mail make the cutoff time and Post Office to Post Office service is available, confirmed.

f. Delivery will be guaranteed on Tuesday.

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#### 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      August 8, 2005

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