

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

OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO POPKIN MOTION TO
COMPEL REGARDING DBP/USPS-260 - 261
(August 10, 2005)

On August 3, 2005, Mr. Popkin moved to compel responses to DBP/USPS-260 and 261, to which the Postal Service had objected on July 21, 2005. The Postal Service hereby responds in opposition to the motion to compel.

Both interrogatories are follow-ups on DBP/USPS-203, and read as follows:

DBP/USPS-260 Please refer to your response to DBP/USPS-203. The original interrogatory requested the steps and methods to reduce missed collections as it relates to a minimum of four potential methods. [a] Please specifically discuss collection box tests the Postal Service makes and how it reduces missed collections. [b] Please specifically discuss scanning boxes on collection that the Postal Service does and how it reduces missed collections. [c] Please specifically discuss downloading scanning results that the Postal Service does and how it reduces missed collections. [d] Please specifically discuss follow-ups on missed or early collections that the Postal Service does and how it reduces missed collections. [e] Please specifically discuss any other steps and methods taken by the Postal Service to reduce missed collections other than other than implementing the CBMS and establishing dedicated collection routes [the two items provided in your response to DBP/USPS-203].

DBP/USPS-261 Please refer to your response to DBP/USPS-203. [a] Please advise when the Collection Box Management System was implemented and describe the system that was in place prior to its implementation. [b] Please specifically describe how the implementation of the Collection Box Management System helps the Postal Service reduce missed collections.

Both of these questions relate exclusively to postal operations at levels of detail that have no bearing on the Postal Service's instant request for changes in postal rates and fees. Further details of the procedures by which local officials seek to improve

operations, beyond those already identified in response to DBP/USPS-203, are not relevant to this case. There is no nexus between these questions and the material issues which the Commission must consider. Details sought in DBP/USPS-261, for example, of a system which was superceded by a more recent system (CBMS), which itself has been superceded by an even more recent system, cannot possibly relate to rate recommendations for a prospective test year.

Mr. Popkin's argument in support of his motion is as follows:

Both of these interrogatories relate to the value of service for First-Class Mail as measured by the EXFC program and therefore are relevant to this Docket. They are related to the inability of the Postal Service to provide a value of service which would discuss the failure to achieve 100% delivery in each of the three EXFC categories, namely, overnight, 2-day, and 3-day delivery.

Motion to Compel at 2. While it is unclear to the Postal Service exactly what is intended by the second of the above two sentences, it is clear that Mr. Popkin once again relies on a vague invocation of value of service as the sole grounds upon which he wishes to assert relevance. He makes no effort, for example, to explain how plausible different answers to these questions might possibly lead to a different evaluation of the value of service for First-Class Mail to be employed in the pricing process of a typical postal rate proceeding. He makes no such effort, of course, because no such explanation is possible. The Presiding Officer, moreover, has already held that alleged relevance to value of service considerations does not mean that there are no reasonable bounds to the level of inquiry permitted. See, e.g., Presiding Officer's Ruling No. R2005-1/68 (August 8, 2005) at 3-4. As also concluded in Presiding Officer's Ruling No. R2005-1/59 (July 28, 2005) at 2, the level of operational detail sought in the instant two

questions extends beyond what a “rule of reason” would allow.

The motion to compel responses to DBP/USPS-260 and 261 should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

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