

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

Postal Rate Commission  
Submitted 8/15/2005 9:48 am  
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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 INTERROGATORIES DBP/USPS-  
283-AND 300-302.

I move to compel responses to the interrogatories submitted to the United States Postal Service that have been objected to by them.

August 15, 2005

Respectfully submitted,

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528  
R20051CCCmtc283

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On July 25, 2005, I submitted Interrogatory DBP/USPS-283. On August 4, 2005, the Postal Service filed an objection to subparts b through f of that interrogatory on the basis of relevance.

The interrogatory read as follows:

DBP/USPS-283                      Please refer to your response to DFC/USPS-76 revised on July 18, 2005. [a] Please advise the reasons behind the decision to utilize these offices as ones that are representative of the United States. [b] Please advise the CAG level of each of the ten offices. [c] Please describe what the CAG category represents. [d] Please advise the EAS/PCES level of each of the ten offices. [e] Please describe what the EAS/PCES category represents. [f] Please provide the range of CAG and EAS/PCES categories that exist in the country.

On July 18, 2005, the Postal Service revised the response to Interrogatory DFC/USPS-76 as to providing information showing the reduction in Express Mail service between weekdays vs. the service that is available on a weekend. Initially, the Postal Service chose one post office and picked New York NY, what I believe to be the largest post office in the country. After some discovery activity, the Postal Service provided the revised response and chose 10 offices geographically spaced around the country. It would appear that the Postal Service

chose large to very large post offices. For example, the northeastern most post office on the list is Boston and not some small rural post office in Maine. I figured that the easiest way to determine the size of the offices chosen was either the CAG classification and/or the EAS/PCES level of the Postmaster.

Subparts b and d attempted to determine the levels of these ten offices. Subparts c, e, and f attempted to obtain supporting data to show what the CAG and EAS/PCES categories mean and the range of values that exist throughout the country.

Inquiry into the types of post offices that were utilized in providing the relevant information as to the extent of reduction of service on weekends is obviously relevant and therefore responses should be provided.

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On July 25, 2005, I submitted Interrogatories DBP/USPS-300 and 301. On August 4, 2005, the Postal Service filed an objection to these interrogatories on the basis of relevance.

The interrogatories read as follows:

DBP/USPS-300                    Please refer to your response to DBP/USPS-234. [a] Please confirm, or explain if you are unable to confirm, that 2 parcels that were tallied for Express Mail flat-rate envelopes that weighed 70 pounds. [b] Please provide the actual data that was tallied prior to the conversion to the data that was provided in the response to the interrogatory. [c] Please explain how the conversion was made. [d] You refer to USPS T-4 testimony. Please provide a reference to the specific page numbers and line numbers.

DBP/USPS-301                    Please refer to your response to DBP/USPS-234. In your response you state that you do not feel that the mail pieces that were excessively high in weight were not considered unreliable. [a] Please explain why the highest weight shown for a Priority Mail flat-rate envelope is 18 pounds while for Express Mail flat-rate envelopes there is data in every one pound category up to 70 pounds except for seven weight categories. [b] Please advise the density of the material that would have had to have been in a flat-rate envelope so as to have created a weight of 70 pounds.[Footnote #1 inserted] [c] Please advise what you believe would be a reliable estimation of what would be shipped in a 70-pound flat rate envelope.

[Footnote # 1 =] For your information, I mailed a Priority Mail flat-rate envelope containing two construction bricks and weighing 8 pounds. The volume of the two bricks was virtually the maximum volume that could be placed into the envelope. If the weight of a flat-rate envelope was 70 pounds and the volume was that of the two bricks, the density of the material would have had to have been 16.4 grams per cubic centimeter. Copper has a density of 8.93 g/cc; steel is 7.48-8.00 g/cc; and lead is 11.34 g/cc.

These two interrogatories are attempting to determine the validity of the data which has been provided by the Postal Service. Obviously, I have no way to determine the validity of the data other than to question those inconsistencies that I am able to recognize. What I am attempting to do is determine why certain data entries that were provided by the Postal Service fall into categories that either could not exist or are extremely unlikely to exist.

Participants should be able to challenge the quality of the data that is provided by the Postal Service in response to requests for relevant data.

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On July 25, 2005, I submitted Interrogatory DBP/USPS-302. On August 4, 2005, the Postal Service filed an objection to that interrogatory on the basis of the lack of "rule of reason".

The interrogatory read as follows:

DBP/USPS-302                      Please refer to your 7/21/2005 revised response to DBP/USPS-82 subpart d. Please explain how the different dates for the guaranteed delivery standards for PO to PO vs. PO to Addressee would appear on the [a] POS terminal, [b] USPS website, and [c] in an Express Mail directory.

This interrogatory attempts to determine how the guaranteed delivery standards for Post Office-to-Post Office [A Label] Express Mail may be determined. This is a basic piece of information relative to the value of service of this class of mail.

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For the reasons stated, I move to compel responses to the referenced interrogatories since they are reasonably calculated to lead to the discovery of admissible evidence.

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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 15, 2005

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