

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

REPLY OF THE UNITED STATES POSTAL SERVICE
TO DAVID B. POPKIN MOTION TO COMPEL RESPONSE
TO INTERROGATORY DBP/USPS-278(a)
(August 15, 2005)

In accordance with Rule 26(d) of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby responds to the David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-278(a). Because the Postal Service has answered Mr. Popkin's question, his motion should be dismissed.

According to Mr. Popkin, he wants to know "why" the Postal Service considers Express Mail addressed to a post office box to be delivered on-time if the notice is placed in the box prior to the guaranteed time, regardless of whether the customer has access to the box at that time. Mr. Popkin apparently believes that the Postal Service has failed to answer this question, and has thus failed to respond to this interrogatory. A plain reading of the Postal Service's response to this interrogatory, however, shows that the Postal Service has clearly stated the basis for its policy: whether a piece is on-time is predicated on attempted delivery, and delivery is attempted at a post office box when the notice is placed therein; as such, if the notice is placed in the post office box prior to the guaranteed time, it is considered to be on-time.

The Postal Service has stated its policy with regard to this issue, as well as the rationale behind that policy, and has thus answered Mr. Popkin's question. To the

extent that Mr. Popkin disagrees with this policy, and wishes to argue that it negatively affects the “value of service” of Express Mail under 39 U.S.C. §3622(b)(2) to such a degree that the Commission should alter its recommendation of Express Mail rates, he is free to do so on brief. There is nothing more to be gained, however, from this line of inquiry.

Therefore, the Postal Service respectfully requests that the Presiding Officer dismiss Mr. Popkin’s motion to compel.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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