

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 SUPPLEMENTAL RESPONSES TO
INTERROGATORIES DBP/USPS-5 AND 83 AS MANDATED BY SECTION 26[F] OF THE
COMMISSION'S RULES OF PRACTICE

September 6, 2005

Respectfully submitted,

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R20051HHHmtcupdate5and83

Section 26[f] of the Commission's Rules of Practice requires the participant to amend a prior answer if information is obtained to correct an answer.

Rule 26[f] reads as follows:

(f) *Supplemental answers.* The individual or participant who has answered interrogatories is under the duty to seasonably amend a prior answer if he/she obtains information upon the basis of which he/she knows that the answer was incorrect when made or is no longer true. Participants shall serve supplemental answers to update or to correct responses whenever necessary, up until the date the answer could have been accepted into evidence as written cross-examination. Participants filing supplemental answers shall indicate whether the answer merely supplements the previous answer to make it current or whether it is a complete replacement for the previous answer.

On August 2, 2005, the Postal Service released updated EXFC data for the third quarter of Fiscal Year 2005. Interrogatory DBP/USPS-5 asked for EXFC data for the past four quarters. The response that was filed provided the data for the latest four quarters as of the date of the response on June 22, 2005. Now that the third quarter data has been released, the Postal Service should be required to update the response to the past four quarters as of August 2, 2005.

The following is the Interrogatory and Response to DBP/USPS-5. The pages of data have not been provided.

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

Revised June 22, 2005

DBP/USPS-5. Please provide a listing of the EXFC results for the past four quarters showing the following categories: [a] Performance Center name [b] ZIP Codes [c] Overnight Percent on Time, [d] Overnight Percent on Time Margin of Error [e] Overnight Average Days to Deliver [f] Overnight Average Days to Deliver Margin of Error [g] 2-Day Percent on Time, [h] 2-Day Percent on Time Margin of Error [i] 2-Day Average Days to Deliver [j] 2-Day Average Days to Deliver Margin of Error [k] 3-Day Percent on Time, [l] 3-Day Percent on Time Margin of Error [m] 3-Day Average Days to Deliver [n] 3-Day Average Days to Deliver Margin of Error [o] Nation Percent on Time, [p] Nation Percent on Time Margin of Error [q] Nation Average Days to Deliver [r] Nation Average Days to Deliver Margin of Error.

RESPONSE:

The data responsive to this question are provided in the attached tables and is briefly described below. The attached tables summarize the data for each of the last four quarters for which data are available: Quarter 3 FY 2004 through Quarter 2 FY 2005.

[a] See Table 1: ZIP Codes by Performance Cluster.

[b] See Table 1: ZIP Codes by Performance Cluster.

[c] See Tables 2, 3, 4, and 5 Column "Destination Percent On Time"

[d] See Tables 2, 3, 4, and 5 Column "Destination +/- Range for Percent On Time"

[e] See Tables 2, 3, 4, and 5 Column "Destination Average Delivery Days"

[f] See Tables 2, 3, 4, and 5 Column "Destination +/- Range for Average Delivery Days"

[g] See Tables 2, 3, 4, and 5 Column "Destination Percent On Time"

[h] See Tables 2, 3, 4, and 5 Column "Destination +/- Range for Percent On Time"

[i] See Tables 2, 3, 4, and 5 Column "Destination Average Delivery Days"

[j] See Tables 2, 3, 4, and 5 Column "Destination +/- Range for Average Delivery Days"

[k] See Tables 2, 3, 4, and 5 Column "Destination Percent On Time"

[l] See Tables 2, 3, 4, and 5 Column "Destination +/- Range for Percent On Time"

[m] See Tables 2, 3, 4, and 5 Column "Destination Average Delivery Days"

[n] See Tables 2, 3, 4, and 5 Column "Destination +/- Range for Average Delivery Days"

[o] See Tables 2, 3, 4, and 5 Column "Destination Percent On Time" Rows 403-405

[p] See Tables 2, 3, 4, and 5 Column "Destination +/- Range for Percent On Time" Rows 403-405

[q] See Tables 2, 3, 4, and 5 Column "Destination Average Delivery Days" Rows 403-405

[r] See Tables 2, 3, 4, and 5 Column "Destination +/- Range for Average Delivery Days" Rows 403-405

Interrogatory DBP/USPS-83 related to the imposition of DMCS Section 182.51[g] as it refers to the suspension of refunds for Express Mail in the event of a "Breakdown of a substantial portion of the USPS transportation network." As a result of Hurricane Katrina, the Postal Service website www.usps.com indicates the imposition of this rule. As such, the response should be updated to show this. Furthermore, there have been informal discussions with

Postal Service Counsel regarding the possibility that the rule was also invoked during the Christmas 2004 season in the Midwest part of the country and then was overruled by Mr. Donohoe.

The following is the Interrogatory and Response to DBP/USPS-83

DBP/USPS-83. In a recent Docket, DMCS Section 182.51(g) was amended to allow for being able to deny refunds in the event of a "Breakdown of a substantial portion of the USPS transportation network." (a) Please provide a listing of all instances where this provision was either claimed or invoked and the details of the breakdown and the number of claims involved. (b) Please provide a listing of all instances where this provision was initially claimed and overruled. Please provide the reasons why it was overruled and provide copies of any correspondence or communications.

RESPONSE:

(a)-(b) The Postal Service has never used its discretionary authority under DMCS 182.51(g). This is consistent with the Postal Service's statements in Docket No. R2001-1 that use of this authority would be extraordinarily rare.

For the reasons stated, I move to compel updated responses to the referenced interrogatories to comply with the provisions of Rule 26[f] of the Commission's Rules of Practice.

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 September 6, 2005
