

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

OBJECTION OF THE UNITED STATES POSTAL SERVICE TO
INTERROGATORY OF DAVID B. POPKIN (DBP/USPS-312)
(September 23, 2005)

The United States Postal Service hereby objects to interrogatory DBP/USPS-312, submitted by David B. Popkin on September 13, 2005. This interrogatory reads as follows:

DBP/USPS-312. Please refer to your response to DBP/USPS-127 as revised on September 7, 2005.

- (a) Please confirm, or explain if you are unable to confirm, that Elfin Cove AK 99825 and Hydaburg AK 99922 have been added to the R2001-1 listing.
- (b) Please confirm that the correct ZIP Code for Hyder AK is 99923.
- (c) Please confirm, or explain if you are unable to confirm, that some number of the Alaska "No Office" activity, such as Ketchikan AK 99950 which includes points such as Edna Bay and Naukati, should be included on the listing of places in Alaska that do not have six day a week delivery of Express Mail.
- (d) Please provide a listing of all of the "No Office" points in Alaska that do not have six day a week delivery of Express Mail.
- (e) I have contacted a number of airlines in Alaska that transport mail to remote villages in the state and have been advised that the following offices are served less than six days a week: I have also been informed that scheduled service may be different for different times of the year. Coffman Cove 99918 / Venetie 99781 / Beaver 99724 / Manley Hot Springs 99756 / Shungnak 99773 / Ambler 99786 / Kobuk 99751 / Indian (Mountain) 99540 / Adak 99546 / Little Diomedea 99762 / Saint George Island 99591 / Whale Pass and Port Protection (these last two offices are not shown in the state listing of post offices and therefore are probably "No Office" points). Please advise the status of six day a week delivery of Express Mail to these points.
- (f) Based on the data and information provided in subparts c, d, and e above, please provide a complete and up-to-date listing of all post offices and "No Office" points in the state of Alaska that do not have scheduled delivery of Express Mail at least six days a week, 52 weeks a year.

The Postal Service objects to this interrogatory on the grounds of relevance,

burden, and improper follow-up. Most fundamentally, these questions seek an excessive level of detail concerning the delivery of Express Mail that simply has no relevance to postal ratemaking.¹ In light of the fundamental irrelevance of these questions, the Postal Service should be not required to dedicate the substantial resources that would be required to answer this interrogatory.

In addition, this interrogatory does not constitute proper follow-up to the Postal Service's revised response to DBP/USPS-127. Interrogatory DBP/USPS-127(a) only asks about the continued validity of the Docket No. R2001-1 list of post offices that do not receive Express Mail delivery six days per week, and the Postal Service's revised response is therefore confined to a discussion of the extent to which the offices on that list continue to receive Express Mail delivery less than six days per week. This interrogatory, however, seeks extensive details concerning the delivery of Express Mail to places in Alaska other than those on the Docket No. R2001-1 list. As such, any response to this interrogatory would in no way clarify or aid Mr. Popkin in understanding the Postal Service's revised response to DBP/USPS-127, as is required of follow-up interrogatories by Rule 26(a).² Instead, this interrogatory represents a new line of inquiry, and is untimely.³

Finally, this interrogatory is inconsistent with Presiding Officer's Ruling No. R2005-1/43, which disposed of an earlier motion to compel by Mr. Popkin concerning

¹ See Presiding Officer's Ruling No. R2005-1/43, at 3 (noting that the issue of Express Mail delivery to remote points in Alaska is of "questionable" relevance to this proceeding since it only implicates "an extremely small number of offices").

² See Presiding Officer's Ruling No. R2001-1/40, at 4.

³ See, e.g., Presiding Officer's Ruling No. R2005-1/82, at 4 (holding that an interrogatory was not proper follow-up because it "represent[ed] a new line of inquiry").

the delivery of Express Mail to remote post offices.⁴ In that Ruling, the Presiding Officer held that the Postal Service did not need to provide a full response to interrogatory DBP/USPS-88, which requested a listing of all post offices nationwide that do not have Express Mail delivery six days per week.⁵ Instead, the Presiding Officer noted that the Postal Service had already provided considerable information about this issue to Mr. Popkin, and that a complete, updated listing of such offices was unnecessary for purposes of this proceeding.⁶ That Ruling precludes this interrogatory's attempt to acquire further details as to the less-than-six-day-per-week delivery of Express Mail to remote areas of Alaska.

Therefore, the Postal Service objects to the above-referenced interrogatory.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

Keith Weidner

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-6252, Fax -3084

⁴ See Presiding Officer's Ruling No. R2005-1/43, at 2-3.

⁵ In interrogatory DBP/USPS-88, Mr. Popkin requested that the Postal Service provide a list of all post offices that do not have Express Mail delivery six days per week, similar to the list provided by the Postal Service in Docket No. R2001-1. The Postal Service objected to providing a full update to the list provided in Docket No. R2001-1, but filed a response to that interrogatory indicating that any such update would produce a list that is substantially similar in size and scope to the one provided by the Postal Service in Docket No. R2001-1. Apparently dissatisfied with that response, Mr. Popkin moved to compel a full update to the Docket No. R2001-1 list. See David B. Popkin Motion to Compel Responses to Interrogatories DBP/USPS-88, 90, 103, 129, 145, and 147.

⁶ See Presiding Officer's No. R2005-1/43, at 3.