

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

Postal Rate and Fee Changes]  
Pursuant to Public Law 108-18]

DOCKET NO. R2005-1

INITIAL BRIEF OF DAVID B. POPKIN

September 26, 2005

Respectfully submitted,

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

R20051JJJbrief

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**CHANGE OF ADDRESS SERVICE**

1. When customers move or otherwise change their address, they have the opportunity to file a Change of Address Order to receive temporary or permanent forwarding of their mail. This change of address will provide for the forwarding of the customer's mail from an existing address to a new permanent or temporary address. Since this service is directly related to the forwarding of many classes of mail, it is obviously a Postal Service and therefore the procedures and rates for this service should be approved in advance by the Commission and appear in the DMCS.

2. In DBP/USPS-86 subpart a, the Postal Service indicated that customers may file a Change of Address Order by filing out a PS Form 3575, by going to the internet to [www.usps.com](http://www.usps.com), or by calling 1-800-ASK-USPS.

3. In DBP/USPS-86 subpart b, the Postal Service indicated that customers who utilize the internet or phone are charged \$1 on a major credit card.

4. In DBP/USPS-161, the Postal Service indicated that the \$1 charge does not appear in the DMCS.

5. Based on the above, it would appear that the \$1 charge does not comply with the Commission's Rules and Regulations nor with the Act since it has not been approved by the Commission and it should be suspended.

6. Also, the Postal Service has not providing any justification for not applying the across-the-board increase to this rate.

7. Recent Postal Service publicity has indicated that this \$1 fee has been suspended for those affected by Hurricane Katrina. While I certainly can understand the rationale for suspending this rate for those affected by Hurricane Katrina, if this were an approved rate, it would not have been possible.

## **EXPRESS MAIL**

8. As a result of efforts in an earlier rate case, the Postal Service made a major step in improving the "truth-in-advertising" of Express Mail by indicating those post offices that delivered Express Mail to street addresses and to post office boxes on Sundays and holidays. Unfortunately, this move has led to Express Mail under certain circumstances requiring up to five days for delivery. This 5-day Express Mail still costs the same rate as overnight Express Mail. Provision of 3-, 4-, and 5-day Express Mail<sup>1</sup> is not provided for in the DMCS.

9. Discovery in this case had led to a number of other conditions that require additional evaluation. Perhaps the best way to properly evaluate them would be to consider them fully in Complain Case C2005-1, Complaint on Express Mail.

10. Some of the items that require evaluation are those offices that do not receive delivery of Express Mail six days a week, problems associated with delivery to Post Office Boxes when boxholders will either not have access to the box or to claiming the mail, proper publicity and information provided on the [www.usps.com](http://www.usps.com) website, improvement in the

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<sup>1</sup> Greater than 2-day Express Mail is caused by such factors as elimination of Sunday and holiday delivery, reduction of transportation on weekends and holidays, mailing after the cutoff time, and Monday holidays.

availability and determination of delivery offices for A-Label Post Office-to-Post Office Express Mail, and the significant reduction of transportation for weekend and holiday service.

11. In the July 18, 2005 revised response to DFC/USPS-76, the Postal Service noted that for the sample of 10 originating ZIP Codes, there was a 94.2 percent reduction in the number of ZIP Codes and a 92.2% reduction in the number of addressees between weekday and weekend Express Mail<sup>2</sup> delivery.

## **EXFC**

12. EXFC is an important measurement tool to indicate the value of service of First-Class Mail. The EXFC program should be expanded to cover those areas that are not presently covered.

13. The information and format provided in response to DBP/USPS-5 should be provided by the Postal Service on a regular basis for each of the quarters of the year. It should be placed on the Postal Service website [www.usps.com](http://www.usps.com).

14. The data contained in my EXFC presentation as follows should also be provided on a regular basis to allow for full evaluation of the different categories of EXFC mail in an effort to improve service for those mailpieces that have a lower score than others.

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<sup>2</sup> Acceptance on Monday for delivery on Tuesday vs. acceptance on Saturday for delivery on Sunday.

## EXFC EVALUATION BY MAILPIECE CHARACTERISTICS

CODE	TYPE	WIDTH	LENGTH	ADDR	ZIP	CODE	POST	CFM	OVNITE	2DAY	3DAY	
A	C	4	6	PRIN	5	NO	MTR	NO	91.58	85.11	80.31	A
B	C	4	6	HAND	5	NO	STM	NO	89.13	80.86	79.47	B
C	OC	4.75	6.5	HAND	5	NO	STM	NO	95.21	89.77	85.18	C
D	F	9	12	HAND	5	NO	STM	NO	89.38	79.55	70.08	D
E	F	9	12	PRIN	5	NO	MTR	YES	88.78	79.02	69.43	E
F	L	4.125	9.5	PRIN	9	NO	MTR	YES	94.03	89.08	83.20	F
G	L	4.5	10.31	HAND	5	NO	STM	NO	96.32	92.20	86.26	G
H	L	4.125	9.5	HAND	5	NO	STM	NO	96.17	90.99	85.16	H
I	L	3.625	6.5	HAND	5	NO	STM	NO	93.66	88.78	82.71	I
J	L	4.125	9.5	PRIN	5	NO	STM	YES	96.79	92.26	85.71	J
K	L	4.125	9.5	PRIN	9	NO	MTR	YES	95.47	90.71	85.08	K
L	L	4.125	7.25	PRIN	9	NO	MTR	YES	95.26	88.92	82.66	L
M	L	4.125	9.5	PRIN	9	NO	STM	YES	94.61	93.41	85.19	M
N	L	4.125	9.5	PRIN	5	NO	MTR	NO	96.15	91.61	84.85	N
O	L	4.375	7.625	PRIN	9	YES	MTR	YES	95.69	91.00	83.64	O
P	L	3.875	7.5	PRIN	9	YES	MTR	YES	95.55	90.88	83.99	P
Q	L	3.625	6.375	PRIN	9	NO	MTR	YES	94.19	88.98	82.55	Q
R	L	4.125	9.5	PRIN	9	NO	MTR	YES	96.62	92.33	85.57	R
S	L	3.875	8.875	PRIN	9	YES	STM	NO	94.93	93.14	87.13	S

**CODE** Mailpiece code A through S  
**TYPE** Mailpiece type // C=card OC=Oversize card F=Flat L=Letter  
**WIDTH** Width in inches  
**LENGTH** Length in inches  
**ADDR** PRIN=address is printed HAND=address is handwritten  
**ZIP** Address is shown with either 5- or 9-digit ZIP Code  
**CODE** Mailpiece contains a preprinted 11-digit barcode  
**POST** Method of postage // MTR=postage meter STM=postage stamp  
**CFM** Mailpiece contains a CONFIRM barcode  
**OVNITE** Percent on-time for Overnight Mail for PQ 2 FY 2005  
**2DAY** Percent on-time for 2-Day Mail for PQ 2 FY 2005  
**3DAY** Percent on-time for 3-Day Mail for PQ 2 FY 2005

No mailpiece utilizes additional services such as Certified Mail, Registered Mail, COD, or Insured Mail.

All mailpieces are either one ounce or two ounces [other than cards].

## **REGISTERED MAIL**

15. I agree with the Postal Service's proposal to suspend implementing the proposed Registered Mail fees until the reasons for the large cost increases can be determined and evaluated.

16. Registered Mail is an important service for the Postal Service. It must be maintained and therefore should be evaluated to keep from starting a "death spiral" where rising prices will lead to reduced volume which will then lead to even greater price rises. A number of years ago this "death spiral" occurred with Special Delivery service although the function was replaced somewhat by Express Mail.

## **MISSING AND LATE RESPONSES TO INTERROGATORIES**

17. Besides the two interrogatories that responses are still due to be filed [DBP/USPS-311 and 312], there are two interrogatories that have yet to be responded to. DBP/USPS-165 was filed on June 15, 2005, and the Postal Service on July 18, 2005, stated that they would have a response no earlier than the first week of August. DBP/USPS-182 was filed on June 17, 2005. Responses have not been received to these two interrogatories.

18. Normally a response is required within 14 days after an Interrogatory is submitted. Numerous Motions to Compel were filed and informal requests were made in an effort to receive responses to my interrogatories that were not responded to in a timely manner. Rule 26e of the Commission's Rules of Practice requires that compelled responses be made within seven days of the Ruling.

19. A rough evaluation made of the first 200 interrogatories that I filed showed some 30% of them had not been responded to in a timely manner. Many responses were received more than two months late.

20. Many of the motions made by the Postal Service for late acceptance stated that no party would be prejudiced by the late response. Unfortunately, parties are prejudiced by late responses. Late responses disrupt the flow of discovery. Late responses reduce the number

of opportunities to conduct follow-up interrogatories to obtain a satisfactory response. Late responses made after the initial deadline for discovery force the party to be limited to the narrow category of making a follow-up interrogatory. Had the response been made on time and prior to the initial deadline, the party would not be restricted and could ask any appropriate interrogatory. Late responses push more of the discovery later in the Docket timing and appear to affect the ability to receive responses due to the pressure to close the Docket.

21. Unfortunately, there does not appear to be a solution to all of these late responses. If a party other than the Postal Service is late, the action can be blocked and the party will be affected. However, when the Postal Service is late, the other party is put in the position that they could complain that the Postal Service is late but in practice, a late response is obviously better than no response.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with Rule 12.

September 26, 2005

David B. Popkin