

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
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EVOLUTIONARY NETWORK DEVELOPMENT]
SERVICE CHANGES, 2006]

DOCKET NO. N2006-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES DBP/USPS-
3, 6, 18, 19, AND 30.

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

March 7, 2006

Respectfully submitted,

N22061MTC1

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

On February 15, 2006, I submitted Interrogatories DBP/USPS-3 and 6. On February 17, 2006, I submitted Interrogatories DBP/USPS-18 and 19. On February 21, 2006, the Postal Service filed an objection to those interrogatories. On February 27, 2006, I submitted Interrogatory DBP/USPS-30. On March 1, 2006, the Postal Service filed an objection to that interrogatory.

The interrogatory reads as follows:

DBP/USPS-3 Please provide a listing of all the changes that have been made in the service standards prior to those that appear in Library Reference USPS-LR-N2006-1/2. This response should be provided for each of the previous CD-ROMs or other listings of service standards and should go back to the last time the Commission issued a recommended decision for delivery standards.

The Postal Service indicates, unilaterally, that the baseline for the service standards for this case is the current standards. The change of service standards is an integral part of the consolidation of processing facilities. The evaluation of the previous consolidations is an integral part of this Docket. The Postal Service claims that they do not have an organized compilation or library of the CD-ROMs and diskettes issued over the past 60 fiscal quarters.

Obviously, if the Postal Service does not have the information available, they would not be able to produce it. However, their objection stated that they did not have the data going back some 60 fiscal quarters. If they have it shorter period of time, they should be required to produce it. Furthermore as stated in the original interrogatory, I am not looking for the individual snapshots taken at quarterly intervals, but I am looking for the changes that occurred between each of the quarterly intervals. To the extent that this information is available, it should be provided. For an organization that has been in business for over 200 years, there should be the ability to evaluate their recent activity.

The interrogatory reads as follows:

DBP/USPS-6 Please refer to the page 2 of the attachment to Witness Shah's testimony as it relates to First-Class Mail. [a] Please provide a listing of the single SCF or 3-digit ZIP Code destinations that have a transit time of three hours or less dock-to-dock from the NNJ Metro P&DC in Teterboro NJ. [b] Please provide a listing of the single SCF or 3-digit ZIP Code destinations that receive 1.5% or more of the originating volume of the NNJ Metro P&DC in Teterboro NJ. [c] Please provide copies of the studies that have been made of the business/mail volume relationships to those single SCF or 3-digit ZIP Code destinations that are listed in the response to both subparts a and b above with respect to mail from the NNJ Metro P&DC in Teterboro NJ. [d] If there is a single SCF or 3-digit ZIP Code destinations that did not have a study made, please explain why. [e] For those single SCF or 3-digit ZIP Code destinations that are in your response to subparts a and b and which currently receive 2-day service standards, please explain why they do not receive overnight delivery service standards.

Witness Shah's testimony contains an attachment showing the service standards for various classes of mail, including the criteria for overnight First-Class Mail. For whatever reason Witness Shah felt it was important to introduce this information in the testimony, it should be subject to evaluation by the participants in this Docket. Had I chosen to ask for the data for every processing facility, I am sure the Postal Service would have objected on burden. Likewise, I could have chosen some other group of processing facilities to present a more "substantially nationwide" criteria. I could have chosen all of the some 51 processing facilities that are being evaluated in this Docket. I could have chosen Bronx NY, Newark NJ, and Monmouth NJ since they are part of the specified listing. Instead, I chose one processing plant, that is similar to all of the others in the area, but which I am most familiar with.

The purpose of this Docket is to evaluate the service standards that have been stated by Witness Shah and to determine the extent that they are appropriate.

The interrogatory reads as follows:

DBP/USPS-18 Please provide a listing of all processing facilities that have been closed and/or consolidated since the last time the Commission issued a recommended decision for delivery standards.

Once again, the Postal Service is attempting to establish a baseline with the current status. They are the ones that have not filed a service standards request since the Postal Rate Commission's Docket No. N89-1 advisory opinion. Evaluation of the changes that were made since the last request is certainly relevant. The ability to evaluate previous consolidations and to determine the effect is the mailing public is most relevant. While all 15 years may be extensive, some shorter period may be more appropriate.

The interrogatory reads as follows:

DBP/USPS-19 Please refer to the Attachment to Witness Williams' testimony. [a] Please advise the time period and status that this listing of some 41 facilities represents. [b] Please provide a revised listing of these 41 facilities that shows the date on which the study commenced, the date on which final action was taken, a brief description of the proposed consolidation action, and the current status of each of these actions.

Witness Williams' testimony contains an attachment showing the 41 facilities that have pending AMP studies. For whatever reason Witness Williams felt it was important to introduce this information in the testimony, it should be subject to evaluation by the participants in this Docket.

Certainly the basic data with respect to each of the studies is relevant. They claim that whether a given study was initiated on October 1, 2005, or October 15, 2005, or November 1, 2005, is immaterial. While the example given of a one month timeframe may be somewhat immaterial, whether the study has just started or has been pending for several years is certainly relevant.

The Postal Service is the one that provided a listing. They should be required to provide the most basic information about each of these studies as requested in my interrogatory should be required.

The interrogatory reads as follows:

DBP/USPS-30 Please refer to your response to DBP/USPS-11 and 12. Please provide any reports which show the actual delivery time for Standard Mail, Periodicals, and/or Package Services mail destined to, from, or within Alaska, Hawaii, or other offshore destinations. Data should be provided for a period of at least one year.

In the response to Interrogatory DBP/USPS-11, the Postal Service provided the following response:

DBP/USPS-11

Please refer to the page 3 of the attachment to Witness Shah's testimony as it relates to Standard Mail and periodicals. [a] Do these standards apply to only the 48 contiguous states as Packages Services standards do or do they apply to all 50 states and offshore destinations. [b] If they only apply to the 48 contiguous states, please provide the standards for Alaska, Hawaii, and the offshore destinations. [c] Please explain how Standard Mail and Periodicals are processed when originating and/or destinating in Alaska, Hawaii, and offshore destinations to achieve the claimed standards. [d] Please explain why similar processing is not provided for Package Services to or from Alaska, Hawaii, and offshore destinations.

RESPONSE

(a) The standards for Periodicals and Standard Mail apply to all 50 states and offshore destinations.

(b) N/A

(c) Periodical and Standard Mails are handled through our existing processing networks and they travel to/from their origins/destinations through the use of various segments of our existing transportation networks. The Service Standards are not "claimed", they are officially our standards for those mail classes, as displayed on the Service Standard CD-ROM which you have previously referenced and received. However, nothing in Mr. Shah's testimony attempts to define the level to which those standards are actually achieved, or not achieved, as implied by your question.

(d) Similar processing is performed during the handling and transportation of Package Service mail to and from these locations. You may be confusing this with the fact that we do not have established Service Standards for Package Service mail to/from Alaska, Hawaii, and other offshore points.

(e)

As noted in their response to subpart c, they appear to be stating that they do in fact have a service standard for Periodicals and Standard Mail sent to Alaska, Hawaii, and other offshore destinations, however, nothing says that they actually achieve them. For example, the service standard for mail sent from New Jersey to Alaska is 7 days for Periodicals and 10 days for Standard Mail. No service standard is provided for Package Services.

If I recall the estimated time of delivery as provided on a local APC for Package Services from New Jersey to Alaska is 35 days.

It would appear that the Postal Service has provided false and misleading information as it relates to Periodicals and Standard Mail sent to, from, or within Alaska, Hawaii, and offshore destinations. If the Postal Service provides these service standards and appears to imply that it is never achieved, they should remove that testimony from their case. Otherwise, they should provide the response to indicate that there is some validity to these service standards.

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.

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 March 7, 2006
