

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

EVOLUTIONARY NETWORK DEVELOPMENT  
SERVICE CHANGES, 2006

Docket No. N2006-1

UNITED STATES POSTAL SERVICE REPLY IN OPPOSITION TO DAVID POPKIN  
MOTION TO COMPEL RESPONSES TO INTERROGATORIES  
(DBP/USPS-85(b), 87 AND 88)  
(June 7, 2006)

The United States Postal Service hereby responds to the May 31, 2006 motion of David Popkin seeking to compel responses to the following interrogatories: DBP/USPS-85(b), 87 and 88.

DBP/USPS-85(b)

As indicated in the April 24, 2006, response to DFC/USPS-2, the Olympia WA AMP consolidation package reflects a local decision to advance the last pickup times on 23 collection boxes in the 985 3-digit ZIP Code from at or after 5:00pm to times before 5:00pm. DBP/USPS-85(b) requests that the Postal Service provide a listing of the final Dispatch of Value -- before and after the consolidation of Olympia's originating mail into Tacoma WA -- from each of the post offices in the 985 ZIP Code area (that are responsible for collecting the mail from these 20 boxes) to the Olympia plant before such mail is then transported to Tacoma.

Based solely upon the isolated changes described in response to DFC/USPS-2, and notwithstanding the provision of relevant Postal Operations Manual policy provisions to the contrary, Mr. Popkin argues at page 1 of his motion to compel that the

Postal Service appears to have a policy of eliminating 5:00pm collection times throughout the country. He further argues that the purpose of DBP/USPS-85(b) is to determine if advancing of collection times at these 23 boxes was required due to the consolidation of originating operations from Olympia to Tacoma or was “due to other operational needs or desires.” If the purpose of the interrogatory is to determine why the changes in collection time were made, knowledge of the pre- and post-consolidation last Dispatch of Value times will not provide an answer. Nevertheless, the Postal Service withdraws its objection to this question and will provide a listing of the before-and-after DOV to Olympia for the post offices in the 985 ZIP Code area from which the collection mail from these 23 boxes is transported.

DBP/USPS-87

This interrogatory requests that the Postal Service undertake the burden of developing a basis for estimating the percentage of origin mail processing facilities that currently do not provide overnight First-Class Mail service to various destinating facilities, based upon origin-destination criteria that are not required to be applied in establishing overnight delivery zones. As explained in the Postal Service’s May 18, 2006, objection, this question seeks to determine what current overnight First-Class Mail service standards might be if, in 1990-91, when implementing the first phase of service standard changes reviewed in Docket No. N89-1, the Postal Service had treated certain discretionary criteria in the newly established service standard definition as mandatory.<sup>1</sup>

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<sup>1</sup> For an explanation of the distinction between the mandatory criteria and the discretionary criteria in the definition of the First-Class Mail overnight service standard definition, the Commission’s attention is invited to the Postal Service’s April 10, 2006, response to DBP/USPS-69.

Mr. Popkin's curiosity on this issue was indulged on a small scale for one origin SCF by the Postal Service's April 14, 2006, compelled response to DBP/USPS-6(a,b&e). As emphasized in the Postal Service's May 18, 2006, objection to DBP/USPS-87, production of the response to DBP/USPS-6(a,b&e) required three hours of research and analysis. There is no way of providing any reliable or authoritative nationwide estimate of the percentage of 3-digit ZIP Code pairs that meet the discretionary criteria in the response DBP/USPS-6, without repeating the same research and analysis that produced that response -- for each of approximately 450 SCFs. The Postal Service considers this to be an unconscionable burden to impose for the production of information that would have no bearing on the issues raised by the request in this docket.

At page 2 of his motion, Mr. Popkin argues that the mere acknowledgment of the discretionary Docket No. N89-1 First-Class Mail overnight service standard criteria in the Attachment to witness Shah's Docket No. N2006-1 testimony (USPS-T-2) establishes a sufficient nexus between this docket and the information sought by DBP/USPS-87. He then argues that the motive for his inquiry is to determine "the degree of compliance with . . . [the Postal Service's] own stated criteria." At page 3, he argues that "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."

His argument has a pair of fatal flaws. The first flaw is in the premise that the discretionary volume and drive-time criteria referenced in the response to DBP/USPS-69 are mandatory. The language from Docket No. N89-1 cited in the response to DBP/USPS-69 makes it abundantly clear that these criteria are for possible, not

mandatory consideration. Secondly, the request in this proceeding was not filed for the purpose of determining the appropriateness of the current First-Class Mail service standard definitions summarized by witness Shah (USPS-T-1, Attachment) or reflected in the response to DBP/USPS-69. The request was filed for the purpose of obtaining the Commission's opinion regarding whether changes in postal services resulting from Evolutionary Network Development operational consolidations -- based upon an application of current service standard definitions -- would conform to the policies of the Postal Reorganization Act.

Mr. Popkin may wish to know what overnight First-Class Mail service standards might be if the discretionary criteria described in response to DBP/USPS-69 were, instead, mandatory. However, discovery in this proceeding was not established for the purpose of permitting unfettered depletion of postal resources in order to satisfy curiosity about matters that have no bearing on the issues raised by the request in this docket. The Postal Service has not proposed that any service standard definitions be changed. Accordingly, it is irrelevant to the current request which origin-destination pairs with a 2-day First-Class Mail service standard might have had overnight service standards, if different criteria for defining overnight zones had been submitted for review in Docket No. N89-1 and implemented thereafter.

#### DBP/USPS-88

The translation of this interrogatory that is reflected in Mr. Popkin's motion to compel helps to decipher the intent of the original question, and to reveal its objectionably flawed nature. As the Postal Service now understands the question, it seeks a comparison between two things: (a) the Postal Service's DBP/USPS-73(e&f)

guesstimate of the proportion of First-Class Mail 3-digit ZIP Code origin-destination pairs with 3-day service standards that, based upon applicable 2-day definitional criteria and taking into account exceptions granted and database errors, should otherwise have 2-day service standards; and (b) a guesstimated percentage of First-Class Mail 3-digit ZIP Code origin-destination pairs with 2-day service standards that could have overnight service standards -- based upon the application of non-binding criteria in the overnight zone definition, discussed above in reference to DBP/USPS-87, that Mr. Popkin mistakenly believes to be mandatory. Then, the interrogatory requests that the Postal Service explain why it does not minimize its non-compliance with these non-binding criteria and discuss plans to improve compliance.

The only way that the Postal Service could, with any authority, determine whether the percentage of origin-destination pairs responsive to DBP/USPS-88 is “very low,” within the meaning of its response to DBP/USPS-73(e&f), would be to undertake the exhaustive analysis requested by DBP/USPS-87. The Postal Service should not be saddled with so onerous a burden, for the sole purpose of producing a comparison that is premised upon a fundamental failure on Mr. Popkin’s part to distinguish that which is mandatory from that which discretionary in the overnight First-Class Mail service standard definition. The Postal Service begs him to re-read its response to DBP/USPS-69 and to re-examine the materials cited therein.

Moreover, the issue of burden aside, the requested information would add not one iota of information to the record in this docket relevant to whether the service changes that could result from Evolutionary Network Development would conform to the policies of the Act. Mr. Popkin argues that the purpose of this line of inquiry is to get the

Postal Service to divulge plans to “comply” with the non-binding criteria in the overnight service standard definitional criteria that Mr. Popkin mistakenly believes to be mandatory. However, the Postal Service cannot offer Mr. Popkin a description of any plan to change current 2-day service standards to overnight, based upon “compliance” with criteria that are not mandatory. The Postal Service begs Mr. Popkin to re-read its response to DBP/USPS-69 and to re-examine the materials cited therein.

For the foregoing reasons, the controversy regarding DBP/USPS-85(b) should be declared moot and the motion to compel responses to DBP/USPS-87 and 88 should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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