

DOCKET SECTION

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY
Docket No. R97-1

POSTAL RATE AND FEE CHANGES, 1997

OBJECTION OF UNITED STATES POSTAL SERVICE TO FOLLOW-UP
INTERROGATORIES OF DAVID B. POPKIN
DIRECTED TO THE UNITED STATES POSTAL SERVICE
(DBP/USPS-88 AND 92)
(November 12, 1997)

In accordance with Rules 25 and 26 of the Commission's Rules of Practice and Procedure, the Postal Service hereby objects to interrogatories DBP/USPS-88 and 92, directed to the Postal Service and filed by David B. Popkin on November 10, 1997.¹

Interrogatory DBP/USPS-88 asks the Postal Service a series of questions to purportedly follow-up on the final sentence of witness Plunkett's response to interrogatory DBP/USPS-78, part b. In that sentence, witness Plunkett stated that "the growth of return receipt volume over the last ten years, indicates that customers, in general, regard return receipt service as a good value." This is basically the same statement that witness Plunkett made in his testimony, filed on July 10, 1997:

Return receipt service (including service for merchandise only) has a high value of service to its customers as evinced by the strong recent volume growth despite fee increases (Criterion 2).

¹ While Mr. Popkin directs these interrogatories to the Postal Service, they are clearly intended as follow-up to witness Plunkett's response to interrogatory DBP/USPS-78(b), and his revised response to interrogatory DBP/USPS-29, filed on October 21, 1997. Presumably, these follow-up interrogatories should be directed to witness Plunkett.

USPS-T-40 at 14. The questions that Mr. Popkin is asking in interrogatory DBP/USPS-88 apparently seek to cross-examine witness Plunkett about this statement from his testimony. The period for cross-examination of witness Plunkett's testimony has ended. Nothing in witness Plunkett's response to interrogatory DBP/USPS-78(b) changes the nature of his view of the value of return receipt service, as expressed initially in his testimony. The questions in interrogatory DBP/USPS-88 *thus could have been asked during the regular discovery period, or at witness Plunkett's hearing.* They therefore are not proper follow-up questions.

Interrogatory DBP/USPS-92 attempts to follow-up on witness Plunkett's response to interrogatory DBP/USPS-29, parts c, g, and h. This response was filed on September 29, 1997. Follow-up interrogatories under Special Rule 2D must be filed within 7 days of receipt of the answer to the previous interrogatory. Thus, these follow-up interrogatories are late. The fact that witness Plunkett refiled the same

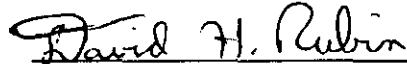
answers to these parts when it filed a revised response to interrogatory DBP/USPS-29, part i does not open up these responses to follow-up discovery.²

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:


Daniel J. Foucheaux, Jr.
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David H. Rubin

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 H. Rubin

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² While the response to only part (i) of interrogatory DBP/USPS-29 was revised, the entire interrogatory and response were restated for clarity and so the entire response could be kept together in the transcript, should this response, including the revised response to DBP/USPS-29(i), be added to the record.