

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

Postal Rate Commission  
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Postal Rate and Fee Changes, 2006]

DOCKET NO. R2006-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORY  
DBP/USPS-167

I move to compel response to the interrogatory submitted to the United States Postal Service that has been objected to by them.

July 25, 2006

Respectfully submitted,

R20061MTC9A167

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

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On July 3, 2006, I submitted Interrogatory DBP/USPS-167. On July 13, 2006, the Postal Service filed an objection to this interrogatory.

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The interrogatory reads as follows:

DBP/USPS-167 Please advise all instances that exist, either due to the distances involved and/or the failure to provide the necessary transportation, that will keep the Postal Service from meeting 365-days a year the guaranteed delivery dates that are enumerated in the responses to Interrogatories DBP/USPS-31 and 161 through 165. This does not include articles that are missent or are subject to a delay of an established and scheduled transportation service.

The Postal Service objected to this interrogatory on the grounds of relevance, improper scope, and undue burden.

While the Postal Service claims that my Interrogatory was not a model of clarity, they had no trouble interpreting it. What I am attempting to accomplish with this Interrogatory is to determine those instances where the Postal Service is not able to achieve the claimed service guarantees for Express Mail. This goes to the very heart of the value of service of Express

Mail. Express Mail is the Postal Service's premier product and should be improved at every opportunity to maintain its value of service.

One of my major concerns with the value of service of Express Mail over the many years that I have participated in Commission activities has been the failure of the Postal Service to be able to meet the guarantees for Express Mail. At the time the DMCS called for Express Mail to either be delivered overnight if the transportation and delivery methods were there and if it could not be delivered overnight, the only other service that was available was delivery on the second day. This was guaranteed even though it was impossible to achieve.

A few years ago, probably with the implementation of the Fedex Network, the Postal Service made a major change in the guarantee provisions for Express Mail when they took into account the unavailability of transportation and delivery methods to achieve delivery on a Sunday or holiday. At that time, they provided a listing of ZIP Codes that had Sunday and holiday delivery of Express Mail. Currently the list shows some 13,112 ZIP Codes that have street delivery and 777 ZIP Codes that have post office box delivery. See Commission Dockets C2005-1 and MC2006-4 for further details.

If Express Mail is to have the high value of service that is expected by the public, then mailers must be assured that the Postal Service will be able to meet their claimed standards. Mailers are interested in knowing with some level of certainty when to expect their Express Mail will be delivered. Providing a refund of postage guarantee on a mailpiece that could not be delivered on time from the start is not good business.

For example, the Hyder AK 99923 post office receives its mail on a flight from Ketchikan on Monday and Thursday mornings only. Yet, if I bring an Express Mail article to the Englewood NJ post office on a Thursday, it will be "guaranteed" delivery by 3 PM on Saturday even though the earliest possible delivery time will be the Monday flight. Mailers should not be misled into believing that this article would have been delivered by Saturday at 3 PM when it was 100% impossible.

It is noted that for articles sent from Englewood to Hyder on a Thursday, UPS will not deliver them until 8 days later as noted on their website [www.ups.com] and Fedex will not deliver them until the end of 6 business days as noted on their website [www.fedex.com]. The Postal

Service should not be permitted to "guarantee" an impossible 2-day delivery time while other shippers provide what appears to be a realistic delivery time.

In Docket R2001-1 in their response to Interrogatory OCA/USPS-235, the Postal Service provided the desired information as noted below [I had some difficulty in copying the full chart of the 18 Alaskan offices].

Docket No. R2001-1

OCAIUSPS-235. The following interrogatory refers to the USPS response to OCA/USPS-24. For each of the Post Offices that do not receive daily deliveries of Express Mail, please indicate the following: (a) the time(s) mail is delivered to the Post Offices, and (b) the time(s) mail is picked-up from the Post Offices.

RESPONSE:

(a) and (b) Express Mail is delivered to Angle Inlet on HCR route 56711 from Warroad, arriving at 11:00 a.m. and leaving at 1:30 p.m. Oak Island is served by the same HCR, arriving and dispatching at 11:55 a.m. For the remaining 18 Post Offices located in Alaska, see the attached spreadsheet.

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			<b>TIME MAIL</b>
	<b>ZIP</b>	<b>AIR STOP</b>	<b>ARRIVES/DEPARTS</b>
<b>DESTINATION</b>	<b>CODE</b>	<b>CODE</b>	<b>POST OFFICES</b>
Chicken	99732	CVY	1235pm

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Chignik Lagoon	99565	KCL	100pm
			130pm
Chitina	99566	TRUCK	1200pm

The Postal Service claims an undue burden to obtain this information. They claim it would take hundreds of work hours. My perception is that it should not take more than a call or an e-mail to the Operations Support Group at each of the nine Areas. It should be fairly easy to get a number of quick responses of, "we don't have any in our Area." The Alaska District office should have the information readily available for Alaska, which based on past Postal Service responses has most of the affected offices.

The burden should be considerably less than that which was required to compile the listing of 13,112 ZIP Codes that have street delivery of Express Mail and 777 ZIP Codes that have post office box delivery of Express Mail on Sundays and holidays. Not only has this list been compiled but it is updated every two months as noted in the response to Interrogatory DBP/USPS-160 below.

Furthermore, as noted in the response to Interrogatory DBP/USPS-28 subpart d, there are approximately 42,500 active ZIP Codes. Therefore, there are approximately 29,388 post offices that do not have street delivery of Express Mail on Sundays and holidays and approximately 41,723 post offices that do not have post office box delivery of Express Mail on Sundays and holidays.

All of this data has been compiled and is updated at two month intervals. The claimed burden of providing the data for what in 2001 was approximately 20 offices throughout the country that do not have 6-day a week mail service is a "drop in the bucket" when compared to what is already being done.

Furthermore, whatever survey is now being conducted on a regular basis to update and validate the Sunday/holiday Express Mail list can add in the question of whether the office has mail delivery 6 days a week.

**DBP/USPS-28.**

- (a) Please provide a copy of the latest listing of ZIP Codes which have street delivery of Express Mail on Sundays and holidays.
- (b) Please confirm, or explain if you are unable to confirm, that Sunday and holiday delivery will be made at all valid addresses at each of these ZIP Codes regardless of whether they are on a city delivery route, on a rural route, or are on an HCR route and regardless of the type of address utilized such as a street address like 125 Main Street or a rural/HCR type address like RR 2 Box 125.
- (c) Please provide a copy of the latest listing of ZIP Codes which have post office box delivery of Express Mail on Sundays and holidays.
- (d) Please advise the approximate number of active ZIP Codes in the country.

**RESPONSE:**

- a) See the attached list.
- b) Confirmed.
- c) See the attached list.
- d) There are approximately 42,500 active ZIP Codes.

**DBP/USPS-160.** Please refer to the response to Interrogatory DBP/USPS-28 subparts a and c.

[a] How frequently are updates to this listing made?

[b] Please provide an updated listing if available.

**RESPONSE:**

(a) The directories are updated approximately every two months.

(b) See the attached Excel spreadsheet.

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For the reasons stated, I move to compel response to the referenced interrogatory since it is reasonably calculated to lead to the discovery of admissible evidence.

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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      July 25, 2006

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