

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-288

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

August 9, 2006

Respectfully submitted,

R20061MTC16A288

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

On July 14, 2006, I submitted Interrogatory DBP/USPS-280. On July 27, 2006, the Postal Service filed an objection to this interrogatory.

The interrogatory reads as follows:

DBP/USPS-288 This Interrogatory is related to the Premium Forwarding Service [PFS].

[a] Please advise the number of users of the service since the service was established. Please breakdown the time in an appropriate manner to show the changes in users.

[b] Please advise the total number of weekly mailings have been made since the service was established. Please breakdown the time in an appropriate manner to show the changes in use.

[c] Please advise the number of users that signed up for each of the various number of weeks that are authorized for the PFS since the service was established.

[d] Please provide information on the number of weekly mailings that required 2 or more containers to ship a participant's mail.

[e] Please advise the number of weekly mailings that were mailed in a flat-rate envelope?

[f] Please advise the number of weekly mailings that were mailed in a flat-rate box?

[g] Please provide a chart showing the weight in pounds and the zone involved for all of the weekly shipments that were not made in a flat-rate container.

[h] Please discuss any of the suggestions that have been made for improving the service.

[i] Please advise any changes in the PFS regulations that are being considered.

[j] Please advise if there were any reports of fraudulent applications being filed for this service.

The Postal Service bases their objection on two points. The first is that this Interrogatory inquires about a service that is not part of this omnibus rate case and as such, it cannot be relevant.

Fee Schedule 937 shows the current and proposed fees for Premium Forwarding Service [PFS]. Even though there is no change in the fees being proposed in R2006-1, PFS is still a part of R2006-1. I am free to propose that the proposed rates either be reduced or increased. Furthermore, Note 1 provides that the weekly reshipment fee is in addition to the postage applicable to a 3-pound parcel mailed to zone 6. The rate for such a parcel is being affected by R2006-1 and I am also free to propose that there be a change to Fee Schedule 937 as it relates to Note 1.

A number of Witnesses refer to PFS in their Testimony. A search of the PRC website shows the following number of "hits" on a search for "premium forwarding service" in their Testimony:

T31 = 3 hits

T7 = 6 hits

T47 = 12 hits

T33 = 9 hits

T23 = 9 hits

T22 = 3 hits

T37 = 3 hits

T22 = 3 hits

T37 = 3 hits

For example on page 22 at lines 22 and 23, Witness Page T23 states that Priority Mail final adjustments are made for the impact of PFS. Further discussion takes place on lines 3 to 5 on page 23 and lines 18 to 24 on page 25.

The second objection is based that that the Interrogatory requests information that appears in the reports will be required in the Stipulation and Agreement that served as a foundation for Docket MC2005-1. All of the subparts of my Interrogatory will not be covered by these reports. It is possible that some of the subparts may be included in these reports. The Postal Service has not specified which. In any case, it is irrelevant. If the Postal Service wants to refer to a

document in MC2005-1 as the response to this Interrogatory, they are free to do so. Repetition of Interrogatories from one Docket to another and reference to responses from previous Dockets is commonplace in Commission practice.

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.

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 August 9, 2006
