

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268B0001

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE TO
INTERROGATORY OF DAVID B. POPKIN
(DBP/USPS-599)
September 15, 2006

The United States Postal Service hereby objects to the following interrogatory of David Popkin, filed on September 5, 2006: DBP/USPS-99. The interrogatory states:

DBP/USPS-599. Please refer to your response to [i]nterrogatory DBP/USPS-519.

- [a] Since there are differences in the two charts for similar information, please explain how both of the charts can still contain correct information. At best, they may have contained correct information when they were filed on July 20, 2006, and August 7, 2006, but how can they both be correct information as of your response to DBP/USPS-519 on August 28, 2006?
- [b] Please advise the correct information as of the date of your response to this Interrogatory.
- [c] Please confirm, or explain if you are unable to confirm, that there was no information available for the percentage of on-time mail for each of the different types of mailpieces between the data that was provided in the R2005-1 Docket and July 20, 2006, when that data was confirmed as being up-to-date.
- [d] Please advise when the Code G mailpiece was eliminated from the program.
- [e] Please advise when the changes to the various dimensions were changed.

This interrogatory purports to follow upon the response to interrogatory DBP/USPS-519. DBP/USPS-599 does not, in fact, follow upon the cited response thus establishing one ground for objection: improper follow-up. The Postal Service also objects to DBP/USPS-599 on grounds of relevance and materiality, and on the grounds that it is argumentative and cumulative.

Interrogatory DBP/USPS-519 inquired into minor differences between respective descriptions of mailpieces used in EXFC for FY 2005 and FY 2006, as elicited by interrogatories DBP/USPS-48 and 409. The response directed Mr. Popkin's attention to the explicit mention of applicable dates in each response:

DBP/USPS-519. Please refer to your response to Interrogatory DBP/USPS-409. The response to Interrogatory DBP/USPS-48 subpart b filed on July 20, 2006, stated that there were no corrections necessary to the EXFC mailpiece chart. Comparison with the chart filed with the response to Interrogatory DBP/USPS-409 showed a number of apparent updates from the original chart particularly in the dimensions of the mailpieces and elimination of the Code G mailpiece.

- [a] Please advise whether the Chart filed on July 20, 2006 in response to Interrogatory DBP/USPS-48 or the Chart filed on August 7, 2006 in response to Interrogatory DBP/USPS-409 contains the correct information.
- [b] Please advise why the July 20, 2006, response stated "None were necessary" when apparently a number of corrections or updates were necessary.

RESPONSE:

a-b. Both contain correct information. Contrast the first line of the response to DBP/USPS-409 with the explicit time frame in DBP/USPS-48.

As such, interrogatory DBP/USPS-599 simply argues with, or fails to understand, the response to interrogatory DBP/USPS-519. Evidently, we are once again following Mr. Popkin's favorite pathway of: 1) misconstruing or arguing with a previous response, 2) failing to apply any understanding of what constitutes a proper follow-up question; 3) posing any additional question he can think of as a means of sustaining an ongoing series of question, and – if faced with an objection (usually) – 4) filing a motion to compel that fails to address completely the grounds for the objection. The instant interrogatory also furthers Mr. Popkin's interest in exceptionally minor aspects of the EXFC program, despite having already been told repeatedly that sufficient detail has already been provided. See Presiding Officer's Rulings R2006-1/14, 18, 43, and 55.

Interrogatory DBP/USPS-519 apparently also exemplifies Mr. Popkin's refusal to accept that previous responses have indeed answered his question. In this instance, since the Postal Service response pointed out that the two lists of EXFC pieces pertained to different time frames that had *already* been identified to him (in other words, the response to DBP/USPS-519 could have stated, "Please re-read the

responses you have already been provided”), interrogatory DBP/USPS-599 constitutes the second consecutive example of refusing to see that his question has previously been answered.

WHEREFORE, the Postal Service objects to interrogatory DBP/USPS-599.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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