

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

PREMIUM FORWARDING SERVICE

Docket No. MC2007-3

UNITED STATES POSTAL SERVICE PARTIAL OBJECTION
TO INTERROGATORY DBP/USPS-22,
AND FULL OBJECTION TO INTERROGATORY DBP/USPS-23,
BOTH PROPOUNDED BY DAVID B. POPKIN
(DBP/USPS-22 and 23)

The United States Postal Service hereby objects in part to interrogatory DBP/USPS-22 and objects fully to interrogatory DBP/USPS-23, filed by David B. Popkin on October 4, 2007. These interrogatories, reproduced below, fail to comply with rule 26 of the Commission's rules of practice and procedure because they are 1) argumentative, 2) cumulative, 3) filed after the close of discovery¹ while failing to articulate appropriate follow-up questions, and 4) not able to lead to the discovery of admissible evidence and therefore are not relevant.

The interrogatories read as follows:

DBP/USPS-22

- [a] Please confirm, or explain if you are unable to confirm, that if I filed a temporary Change of Address Order at the Boca Raton FL post office to forward my mail to an address in Tampa FL that the Boca Raton FL post office would have every reason to believe that mail destined for me could be properly delivered by forwarding it to Tampa FL.
- [b] Please explain why the Boca Raton FL post office knowing full well that mail for me could be delivered by forwarding my mail to my address in Tampa FL would still return my PFS shipment to Englewood NJ.
- [c] Please explain what the Englewood NJ post office would do with the PFS that was returned to them by the Boca Raton

¹ Order No. 31 at 2 (August 31, 2007).

FL post office since I would be down in Tampa FL for a period of time [one that could be longer than the example that was originally proposed in Interrogatory DBP/USPS-1].

DBP/USPS-23

Please refer to your response to Interrogatory DBP/USPS-14.

- [a] If the United States Postal Service believes that at his or her discretion, a Postal Service official may find it appropriate to complete such transactions by other means [other than an in-person visit at the post office that serves the customer's permanent address as called for by the existing and proposed regulations] in cases where there are extenuating circumstances and he or she can satisfactorily verify a customer's identity and collect the required timely payment (if any) that the PFS guidelines do not provide for such action.
- [b] Please explain why it is appropriate to have very clear regulations and yet it is still acceptable for a Postal Service to use common sense and serve the customer by allowing for PFS actions to be taken by a means other than a personal visit to the post office serving a PFS customer's permanent address.

DBP/USPS-22 purports to follow the response to DBP/USPS-13, which asked what would happen if a PFS customer put in a change of address order (COA) for the temporary address specified on his PFS application. The response of the Postal Service indicated that a PFS shipment would be returned to the Post Office serving the customer's primary address, rather than forwarded to a third address.

This interrogatory is objectionable because it is not relevant. No answer to this interrogatory would assist the PRC in reaching a decision, nor would an answer lead to the discovery of admissible evidence. The knowledge of Postal Service employees about a PFS customer or his beliefs has no bearing on the proper handling of a PFS shipment.

Parts (a) and (b) of DBP/USPS-22 request explanations for employee behavior founded upon their supposed awareness of Mr. Popkin's state of mind. DBP/USPS-22 is also objectionable because it is not a proper follow-up to DBP/USPS-13. It does not depend on the response elicited in DBP/USPS-13 and it could have been asked without the existence of or reference to DBP/USPS-13. It is also argumentative, as it argues with the response previously supplied.

While objectionable, DBP/USPS-22 does articulate a reasonable follow-up question about how the Post Office serving a PFS customer's primary address would handle a PFS mailpiece returned from the Post Office serving the PFS customer's temporary address because the PFS customer also filed a change-of-address request. The objection to this interrogatory is accordingly partial, and with this opportunity presented, a response to the whole interrogatory is being supplied.

DBP/USPS-23 purports to follow upon the response to DBP/USPS-14 regarding the ability of Post Office employees to assist PFS customers who are unable to return to the primary address office. The answer to DBP/USPS-14 states:

Current PFS guidelines specify that PFS transactions occur in person at the originating office. However, at his or her discretion, a Postal Service official may find it appropriate to complete such transactions by other means in cases where there are extenuating circumstances and he or she can satisfactorily verify a customer's identity and collect the required timely payment (if any).

Interrogatory DBP/USPS-23 attempts to argue with this response. Part (a) fails to articulate any question and is accordingly unanswerable, and by definition, not relevant. Furthermore, it is not a proper follow-up. To the extent that a question could be gleaned from part (a), it does not depend on the response to DBP/USPS-14 and could have been asked prior to the close of discovery. As a result, the question is also late, as it was filed after the close of the discovery period on September 18, 2007.

Part (b) of DBP/USPS-23 is exceptionally difficult to parse, although at some level it seems intended to repeat DBP/USPS-14, making it cumulative. Moreover, it appears to present an argument about employee use of discretion, and is objectionable on that ground. Finally, it is not structured so as to lead to the discovery of admissible evidence and is accordingly not relevant.

WHEREFORE, the Postal Service objects partially to interrogatory DBP/USPS-22 and completely to DBP/USPS-23.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

Kenneth N. Hollies
Attorney

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-3083; Fax -3084
khollies@usps.gov