

DOCKET SECTION

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 1997

Docket No. R97-1

OBJECTION OF UNITED STATES POSTAL SERVICE TO FOLLOW-UP
INTERROGATORIES OF DAVID B. POPKIN
DIRECTED TO THE UNITED STATES POSTAL SERVICE
(DBP/USPS-99 AND 100)
(December 4, 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-99 and 100, directed to the Postal Service and filed by David B. Popkin on November 24, 1997.¹

Interrogatory DBP/USPS-99 purports to follow-up on witness Needham's response to interrogatory DBP/USPS-21(n). That response confirmed that a Priority Mail parcel weighing 10 pounds or less would always cost the customer less than a parcel with special handling to the same destination from the same origination. But, witness Needham noted, Priority Mail and special handling mail may have different characteristics. Mr. Popkin now asks for "any instances in which a special handling article will receive better handling than a Priority Mail article of a similar destination and characteristics." This question concerns "handling", rather than "costs", and thus

¹ While Mr. Popkin directs these interrogatories to the Postal Service, interrogatory DBP/USPS-99 is clearly intended as follow-up to witness Needham's response to interrogatory DBP/USPS-21(n), and interrogatory DBP/USPS-100 is clearly intended as follow-up to witness Plunkett's response to interrogatory DBP/USPS-33(k). Presumably, these follow-up interrogatories should have been directed to witnesses Needham and Plunkett, respectively.

is not proper follow-up. Moreover, the interrogatory is cumulative, since, in response to Mr. Popkin's hearing questions, witness Needham explained how special handling service might provide better handling than Priority Mail.²

Interrogatory DBP/USPS-100 attempts to follow-up on witness Plunkett's response to interrogatory DBP/USPS-33(k). Interrogatory DBP/USPS-100 asks:

[a] If the red validating stamp impression was observed to be on a Return Receipt card when it was not properly applied as a genuine postmark, wouldn't that use automatically be considered a violation of the law?

[b] If not, explain.

This interrogatory asks for a legal opinion, and is not likely to lead to admissible evidence.³ Moreover, the interrogatory is vague, since it is not clear what in the American system of justice is "automatically" considered a violation of law.

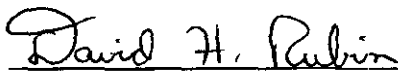
Respectfully submitted,

UNITED STATES POSTAL SERVICE

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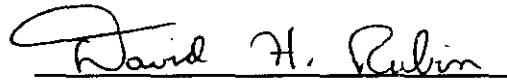

David H. Rubin

² Tr. 3/700-01; also see witness Needham's response to interrogatory DBP/USPS-21(k), filed October 2, 1997.

³ See Presiding Officer's Rulings No. R97-1/39, at 2, and R97-1/53, at 3. While witness Plunkett did provide some legal information in responding to interrogatory DBP/USPS-33(k), that response was simply restating the terms of Section 503 of Title 18. This question asks for a legal interpretation of the statutory language.

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.

A handwritten signature in black ink, reading "David H. Rubin", written over a horizontal line.

David H. Rubin

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