

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

STATION AND BRANCH OPTIMIZATION AND
CONSOLIDATION INITIATIVE, 2009

Docket No. N2009-1

OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO
POPKIN MOTION TO COMPEL RESPONSES TO INTERROGATORIES
DBP/USPS-40, 41, 43(b), 44-45
(October 16, 2009)

On September 21, 2009, the Postal Service filed an objection to providing a response to the above listed interrogatories. On September 30, 2009, Mr. Popkin filed a motion to compel responses. The Postal Service hereby opposes that motion. The interrogatories in question are reprinted in bold below. An explanation of why the motion should be denied follows.

DBP/USPS-40 Please refer to your response to Interrogatory DBP/USPS-28. Please confirm, or explain if you are unable to confirm, that the final collection time at the blue collection box located at the facility should be based on the final trip to the Processing Center including any trip which is utilized for dispatch of mail collected by delivery carriers along their route.

DBP/USPS-41 Please refer to your response to Interrogatory DBP/USPS-28. Please confirm, or explain if you are unable to confirm, that

1. Scans are made when scheduled collections are made at blue collection boxes and lobby drops.
2. These scans are evaluated and if a collection is missed or made early, an employee will be dispatched to that collection point.
3. Mail which is collected will then be brought to the Processing Center to receive the same dispatch it would have had it been properly collected.

If you cannot confirm the above procedure taking place at all facilities, please provide the best estimate of the extent to which it does take place.

DBP/USPS-43 Please refer to your response to Interrogatory DBP/USPS-29. Your response is not clear as to whether the origin Post Office will utilize the current time [the time that the carrier presents the mail to the acceptance clerk] or will, in effect, be backdated to the time the customer gave the mail to the carrier.

[a] Please clarify your response.

[b] What time and corresponding delivery standard is utilized on Express Mail collected from a blue Express Mail collection box? Please advise whether the origin Post Office will utilize the current time [the time that the carrier presents the mail to the acceptance clerk] or will, in effect, be backdated to the time shown on the blue collection box.

The Postal Service opposes Mr. Popkin's motion to compel responses to DBP/USPS-40, 41, and 43(b) because these interrogatories seek information that is irrelevant to the issues raised by the request in this docket. The purpose of the Station and Branch Optimization and Consolidation Initiative ("SBOC Initiative") is to examine whether the retail postal network can be optimized by reducing the number of stations and/or branches in the network. The principal actions that will result from the Initiative is a determination that a particular station or branch remain open or be discontinued. As indicated in the record, there is only a tangential relationship of the SBOC Initiative to collection boxes:

-- If the property on which the deactivated facility site was leased, the collection box in all likelihood will have to be removed or relocated to where it can generate the most volume and is convenient to the most customers. Tr. 2/165.

-- The Initiative is not intended to affect or alter local collection box pick-up times or serve as a basis for changing them. Tr. 2/200.

The basis of setting the final collection times at mailboxes, the dispatch of collection mail to processing and distribution centers, scanning and collection practices at blue collection boxes and lobby drops, and Express Mail collection box practices are not part of, nor will be affected by, the SBOC Initiative. Responses to these interrogatories will not add materially to the record, and therefore, the motion to compel should be denied.

DBP/USPS-44 Please refer to your response to Interrogatory DBP/USPS-9. My original intent was to have a response in the form of chart with three columns. The first column would be the level of the Postmaster. The second column would be the total number of post offices that have a Postmaster in that salary level. The total of the entries in the second column would be the some thirty thousand post offices in the country. The third column would be the total number of subordinate facilities [branches, stations, etc.] that are associated with the main post offices that are at each level. Please provide the desired response including the total of columns two and three.

DBP/USPS-45 Please refer to your response to Interrogatory DBP/USPS-10. Please provide a listing of all of the factors that are considered in

determining the Postmaster's EAS level. For each of these factors, please provide the weighting factor that is utilized to convert to a point value. Please provide the minimum number of points that are required for Level 24.

DBP/USPS-44 and 45 are essentially restatements of interrogatories DBP/USPS-9 and 10. The Postal Service objected to providing a response to DBP/USPS-9 and 10,¹ and both interrogatories later became subjects of Presiding Officer's Ruling No. N2009/1-2. In Presiding Officer's Ruling No. N2009-1/2, the Presiding Officer took the time to carefully analyze both the Postal Service's and Mr. Popkin's positions on the interrogatories, and then directed the Postal Service to respond to interrogatories in a way it deemed would best suit the development of a useful record. The Postal Service then provided responses as directed.² Mr. Popkin should not be allowed to now, in effect, disregard the Presiding Officer's ruling simply by restating the questions so that he may receive answers the way that he wants them.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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¹ Objections of the United States Postal Service to Popkin Interrogatories DBP/USPS-6, 9-10, 15, 28-29 (July 23, 2009).

² Compelled Responses to David Popkin Interrogatories DBP/USPS-9-10 (September 10, 2009).