

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

SIX-DAY TO FIVE DAY STREET DELIVERY
AND RELATED SERVICE CHANGES, 2010

Docket No. N2010-1

OPPOSITION OF THE UNITED STATES POSTAL SERVICE TO POPKIN
MOTION TO COMPEL A FURTHER RESPONSE TO DBP/USPS-33
(June 2, 2010)

The United States Postal Service hereby responds to the May 26, 2010, motion of David Popkin seeking to compel a response to interrogatory DBP/USPS-33. For the reason explained below, the motion should be denied.

On May 3, 2010, David Popkin submitted the following interrogatory to the:

DBP/USPS-33 Please refer to your response to Interrogatory DBP/USPS-10. For each of the 70-some odd postal districts in the country, please advise the percentage of the facilities that have retail window service on Saturday. Please provide a separate percentage considering main offices only and a second percentage for all facilities including stations and branches. Please provide the data showing a separate response for each of the Districts.

The Postal Service filed a partial objection on May 13, 2010, and provided a partial answer on May 17, 2010. In its partial answer, the Postal Service provided information responsive to the interrogatory, but at the national aggregate level, indicating the percentage of retail locations that currently provide window service on Saturdays.

The request in this docket concerns changes in the nature of certain services on a nationwide basis: the general elimination of delivery of mail to street addresses and the general elimination of collection of mail on Saturdays, plus the elimination of outgoing processing on mail tendered at retail postal units that are open on Saturdays.

One of the services that explicitly is not changing is the availability of retail window service to accept mail on Saturdays. Accordingly, it would be fair to assert that postal customers will have access to retail on service on Saturdays at virtually the same number of postal retail locations after the five-day plan is implemented to the same degree that they do today.

The Commission's responsibility under the instant docket is to offer its opinion regarding whether the nature of service resulting from the changes the Postal Service intends to implement would conform to applicable policies of the title 39, United States Code. As a part of this charge, the Commission bears the burden of enforcing limits on discovery designed to focus the attention of interested parties on the service changes being planned and the issues raised by the potential implementation of those changes. It is beyond dispute that no change in the availability of access to retail service on Saturdays is planned as a part of or in conjunction with the plan under review in this docket. The Postal Service submits that it is irrelevant to the issues raised by the request in this docket what variance there may presently be in the percentage of retail units that offer window service on Saturdays – at the administrative district level or, within each District, between Post Offices vs. stations vs. branches. Such information will not lead to admissible evidence relevant to any issue raised by its request. Accordingly, the Postal Service objected to the DBP/USPS-33 to the extent that it seeks disaggregation of the data provided on May 17th.

In support of his motion to compel, Mr. Popkin argues at page 2 that:

The existence or non-existence of retail window service on Saturdays will affect the perception that customers will have on the effects of the elimination of street delivery and mail processing on Saturdays and that perception is relevant to this docket.

Thus argument is anything but illuminating. If the Commission's rules required the disclosure of all information that might affect all conceivable *perceptions* that customers might have, the Commission's rules would require the disclosure of all postal data.

At page 2 of his motion, Mr. Popkin asserts:

However the real significance is that the elimination of street delivery service will eliminate the ability of a customer to give their outgoing mail to the carrier on a Saturday and could require the customer to make a trip to their local post office.

The Postal Service does not dispute that the elimination of regular Saturday mail delivery to street addresses will deprive every street addressee¹ of the opportunity to hand outgoing mail to a letter carrier on Saturdays. And the Postal Service agrees that customers absolutely intent on putting their outgoing mail into its custody only on Saturday in a five-day delivery environment would have to exercise one of the remaining available Saturday options for doing so in the absence of Saturday street delivery. These include dropping it in a collection box or a postal retail unit lobby chute or, if retail service is also available at that location, tendering it to a postal retail window clerk. The percentage of stations or branches in each district that provide retail service today – something that will be virtually unchanged in a five-day delivery environment -- constitutes cumulative minutiae that have no bearing on the question of whether the

¹ Irrespective of the postal administrative district in which they reside or how many post offices, stations or branches in their respective districts have Saturday retail hours.

nationwide service changes at issue in this docket would comply with the policies of title 39.

Later on page 2, Mr. Popkin claims:

Furthermore, customers served by a rural delivery carrier would be deprived of the ability to conduct other services such as purchasing stamps or a money order on a Saturday. Retail window service therefore is a way of mitigating the effects of this proposal on postal customers.

Rural retail customers are served by post offices and stations, as well as branches.

Rural carrier routes can operate from all of these facilities. It is undisputed that, on a nationwide basis, those rural route customers who presently enjoy six-day delivery (not all do) will lose the ability to conduct certain retail transactions on Saturdays through rural carriers when those carriers cease Saturday delivery. However, the issue of whether the elimination of that rural carrier retail service option on that one day a week for those rural customers results in service that fails to comply with the policies of the Act is not illuminated by revealing the percentage of stations or branches or post offices in each postal administrative district that provide retail service on Saturday. The elimination of one day of supplemental rural carrier retail access (on Saturdays) for rural route customers would be universal. This change either complies with the policies of title 39 or does not – irrespective of the percentage of postal retail units that are presently open on Saturdays and would presumably be open in particular districts in a five-day delivery environment.

At page 2, Mr. Popkin argues that retail window service is a way of mitigating the effects of the proposed elimination of access to the Saturday rural carrier retail option.

The Postal Service would submit that there would be a variety of other for rural customers in a five-day delivery world, such as stamps by mail or via www.usps.com, not to mention conducting retail transactions via rural carriers Monday through Friday or at post offices, stations and branches open on Saturdays – as is the case today. It is unclear how the requested Saturday district postal location retail percentages shed any light on whether the service change at issue – the nationwide elimination of Saturday rural carrier retail access – fails to satisfy some criteria in title 39.

At page 2, Mr. Popkin argues:

The requested data is need to show whether there is a significant disparity in Saturday window service throughout the country and if there is such a disparity, it would have an effect on this docket since retail window service on Saturday is a way of mitigating the loss of street delivery service. If this disparity exists, the need for eliminating it should be a part of the Commission's Advisory Opinion.

The partial response to DBP/USPS-33 filed on May 17th reveals that nearly 87 percent of post offices and 82 percent of stations and branches retail locations are open on Saturdays. Thus, Mr. Popkin already has the very data necessary to argue that a “significant disparity in Saturday window service” would exist in a five-day delivery environment without some expansion of access to retail service at post offices, stations and branches on Saturdays.

The data provided in response to DPB/USPS-33 on May 17th was sufficiently responsive to the question, and entirely appropriate under the circumstances of this proceeding. No basis currently exists for a disaggregation of those data and, equally importantly, no showing has been made that more specific data would allow a more

useful discussion of the salient issues in this proceeding. Accordingly, the motion to compel a further response to DBP/USPS-33 should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

Michael T. Tidwell

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