

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

DSCF STANDARD MAIL LOAD LEVELING

Docket No. N2014-1

**OPPOSITION OF THE UNITED STATES POSTAL SERVICE  
TO DAVID B. POPKINS' MOTION TO COMPEL RESPONSES  
TO INTERROGATORIES DBP/USPS-8-10**  
(February 3, 2014)

On January 7, 2014, David B. Popkin submitted ten interrogatories to the United States Postal Service, including the following:

DBP/USPS-8: Please confirm, or explain if you are unable to confirm, that five years ago mailers could deposit their Presorted Standard Mail at 100% of the INDEPENDENT Post Offices in the country.

DBP/USPS-9: Subpart [a] Please confirm, or explain if you are unable to confirm, that at the present time there are a number of independent Post Offices which will no longer accept Presorted Standard Mail at their facility and require mailers to bring the mail to another facility.

Subpart [b] Please provide a listing of Districts in the country showing the percentage of INDEPENDENT Post Offices in that District that will no longer accept Presorted Standard Mail.

DBP/USPS-10: When a P&DC is closed after being consolidated with another P&DC, what arrangements are made for the deposit of DSCF Mail at the original location? Will mailers have to bring the mail to the new location? Will arrangements be made to provide acceptance at the old location? Will a nearby post office accept the mail? Please provide approximate percentages for these and other arrangements.<sup>1</sup>

On January 14, 2014, the Postal Service filed responses to the first seven interrogatories submitted by Mr. Popkin and objections to the above identified

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<sup>1</sup> Interrogatories of David B. Popkin to the United States Postal Service [DBP/USPS-1 through 10], PRC Docket No. N2014-1 (Jan. 7, 2014).

interrogatories.<sup>2</sup> The objections were based on the fact that each of the three interrogatories requested information not relevant to the current docket, and that DBP/USPS-10 also requested information previously covered in PRC Docket No. N2012-1.

On January 27, 2014, Mr. Popkin filed a Motion to Compel the Postal Service to provide responses to the above identified interrogatories.<sup>3</sup>

### **Argument**

#### **I. The Information Requested in DBP/USPS-8 and 9 is Not Relevant.**

The request for an advisory opinion in this case is focused and limited in scope. The Postal Service seeks an advisory opinion as to whether the Load Leveling Plan conforms to applicable policies in Title 39, United States Code. As explained in the Postal Service Objections, inquiries regarding the previous methods for entering Standard Mail no longer employed by the Postal Service are not relevant to the issues raised or relied on by the Postal Service in this docket.<sup>4</sup> At issue in this docket is a Load Leveling Plan that addresses Standard Mail that is entered at a Sectional Center Facility, and that qualifies for a Destination Sectional Center Facility (DSCF) discounted rate. This docket does not address mail entered at Post Offices.

Mr. Popkin asserts that the inquiry as to whether mailers were able to deposit bulk mail at Post Offices in the past is somehow relevant to the request “[t]o the extent

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<sup>2</sup> United States Postal Service Response to David B. Popkin Interrogatories (DBP/USPS-1–7), PRC Docket No. N2014-1 (Jan. 14, 2014); United States Postal Service Objections to David B. Popkin Interrogatories (DBP/USPS—8-10) (“Postal Service Objections”), PRC Docket No. N2014-1 (Jan. 14, 2014).

<sup>3</sup> Motion to Compel a Response to Interrogatories of David B. Popkin to the United States Postal Service [DBP/USPS-8 through 10] (“Motion to Compel”), PRC Docket No. N2014-1 (Jan. 27, 2014).

<sup>4</sup> Postal Service Objections at 1.

that this change resulted in more or less mail being deposited at the SCF/P&DC.”<sup>5</sup>

However, neither the historic practices of the Postal Service, nor the alleged impact of those practices, are relevant to the limited scope of the request in this docket.

Moreover, even if the impact on volume posited by Mr. Popkin in his Motion to Compel were relevant, his interrogatories ask about whether mailers can deposit “Presorted Standard Mail” at Post Offices, and therefore a response would not include evidence of the impact on actual volume of DSCF Standard Mail. In other words, even assuming that Mr. Popkin’s justification is accurate, the interrogatories are not “reasonably calculated to lead to the discovery of admissible evidence” as required by Commission Rule 3001.26(c).

Finally, even if Mr. Popkin could show that the alleged change in mail entry practices had some impact on mail entry patterns, such a showing would still be completely irrelevant to the Commission’s consideration of whether the Load Leveling Plan conforms to applicable policies in Title 39, United States Code.

**II. The Information Requested in DBP/USPS-10 is Not Relevant and Falls Within the Scope of PRC Docket No. N2012-1.**

For reasons similar to those described above, DBP/USPS-10 is also not relevant to the current docket. As explained in the Postal Service Objections, this interrogatory asks for information related to the closing or consolidation of postal facilities.<sup>6</sup> The discussion of facility closures and consolidations is not relevant to whether the Load Leveling Plan conforms to applicable policies in Title 39, United States Code.

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<sup>5</sup> Motion to Compel at 2.

<sup>6</sup> Postal Service Objections at 2.

As also explained in the Postal Service Objections, the discussion of facility closures and consolidations was covered extensively in PRC Docket No. N2012-1.<sup>7</sup> Mr. Popkin was an active participant in PRC Docket No. N2012-1 and can review that docket for information related to Network Rationalization. As the Postal Service previously noted, it is not reasonable for Mr. Popkin to expect the Postal Service to perform the task of pointing out specific references from PRC Docket No. N2012-1 in response to a non-relevant interrogatory in the current docket.<sup>8</sup>

Mr. Popkin asserts that this interrogatory is also relevant because the Postal Service's responses "will affect the volume of mail subject to the change."<sup>9</sup> Again, this assertion is without merit. Even if the impact on volume was relevant to the current docket, the interrogatory does not ask for any information regarding such an impact generally, nor does it request information about DSCF Standard Mail specifically. As such, even assuming that Mr. Popkin's justification is accurate, DBP/USPS-10 fails to be "reasonably calculated to lead to the discovery of admissible evidence" as required by Commission Rule 3001.26(c).

### **Conclusion**

Mr. Popkin asserts that his interrogatories are relevant because they are somehow intended to produce information related to mail volume. The interrogatories, however, are not relevant as they (1) request information unrelated to whether the Load Leveling Plan conforms to applicable policies in Title 39, United States Code; (2) request information not specific to DSCF Standard Mail—the only type of mail at issue

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<sup>7</sup> Postal Service Objections at 2.

<sup>8</sup> *Id.*

<sup>9</sup> Motion to Compel at 2.

in this docket; and (3) do not request the volume information that Mr. Popkin asserts is the justification for their relevance. Moreover, the information requested in DBP/USPS-10 has already been covered in a previous Commission docket. Accordingly, the Motion to Compel should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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February 3, 2014