

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

Postal Rate Commission  
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Postal Rate and Fee Changes, 2006]

DOCKET NO. R2006-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES  
DBP/USPS-388 THROUGH 398 AND 416.

I move to compel response to the interrogatories submitted to the United States Postal Service that has been objected to by them.

August 16, 2006

Respectfully submitted,

R20061MTC19A388416

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

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On July 24, 2006, I submitted Interrogatories DBP/USPS-388 THROUGH 398 AND 416. On August 3, 2006, the Postal Service filed an objection to these interrogatories.

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The interrogatory reads as follows:

DBP/USPS-388 Please refer to your response to Interrogatory DBP/USPS-177. I realize that the objective is to achieve a panel of ZIP Codes that will represent 90% of the First-Class Mail originating volume and 80% of the destinating volume.

[a] Please explain why these values were chosen.

[b] Please explain why EXFC does not test 100% of all First-Class Mail volume.

[c] Since there are an infinite number of possible combinations of which ZIP Codes are in the program vs. which are not, please explain how they are chosen. For example, are remote areas more or less likely to be chosen? Are low volume areas more or less likely to be chosen?

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The Postal Service objects to this interrogatory as being immaterial and accordingly not relevant to this docket, cumulate, and improper follow-up. In essence, Mr. Popkin does not like the response he was previously given and would prefer to examine "an infinite number of possible combinations" by which EXFC ZIP Codes could have been selected. As usual, Mr. Popkin has heavily mined his interest in EXFC in this docket, and the discussion or details he attempts to elicit here would not add materially to the record. Furthermore, there may be a burden associated with extracting the requested information, since Mr. Popkin has already

been provided what was readily available in documentary form, so a further response would require interviewing postal officials.

As far as the relevancy question, there should be no doubt that Interrogatories relating to the EXFC Program are relevant to the level of service that is received with First-Class Mail.

The Postal Service claims that a response has already been provided. A response has not been made to the questions that have been posed. I am attempting to determine why the EXFC Program has chosen the 80% and 90% of the of the First-Class Mail volume as opposed to testing 100% of the volume. Once the decision has been made to not test 100% of the volume, it is significant to ascertain either how the areas that are a part of the program were chosen or the converse of how the areas that were not selected were chosen.

The Postal Service has made a claim of improper follow-up without any substantiation. Interrogatory DBP/USPS-388 is attempting to obtain the above information that was not provided in the response to Interrogatory DBP/USPS-177.

The Postal Service has thrown out a red herring by referring to having heavily mined my interest in EXFC. Whether I have an interest in the EXFC Program or not is irrelevant. The EXFC Program is an important program to measure the value of service that the mailers of approximately one-half of the ZIP Codes have to improve the level of service of their First-Class Mail.

The Postal Service also makes a claim of burden without making the required estimate of the amount of the burden.

**DBP/USPS-177.** Please refer to your response to Interrogatory DBP/USPS-55 subpart b. Your response was only a general response and did not respond to the original request, namely, an explanation for each of the 3-digit ZIP Code prefixes that are not a part of the EXFC Program. For example, 999 - Ketchikan AK is not a part of the EXFC Program. Please explain specifically why 999 is not included. Please respond to the original request.

**RESPONSE:**

The exclusion of 999 - Ketchikan, Alaska, and other 3-digit ZIP codes, is based on the same reason supplied in the previous response -- EXFC continuously tests a panel of 463 ZIP Code areas selected on the basis of geographic and volume density from which 90% of First-Class volume originates and 80% destinate. EXFC is not a system-wide measurement of all First-Class Mail performance.

**DBP/USPS-55.**

[a] Please provide a listing by Area showing the District/Performance Cluster and the 3-digit ZIP Codes [it is not necessary to list ZIP Codes that are not associated with a collection box such as 005, 055, and 102 - however 202-205 should be included] that are not included in the EXFC and PETE programs [separate listing for EXFC and PETE].

[b] Please advise why each of these 3-digit ZIP Codes is not included in the EXFC and PETE program.

[c] Is the listing of 3-digit ZIP Code destination points of test mail the same as the entry points of test mail?

[d] If not, please enumerate and explain.

**RESPONSE:**

a-b. A list of EXFC ZIP Codes is attached. These can be compared with each performance cluster's list of the three-digit ZIP Codes in Appendix I ("page 3) of USPS-LR-L-134. PETE has been retired. Any exclusions would be due, as reflected in language posted with EXFC scores, to the facts that:

EXFC continuously tests a panel of 463 ZIP Code areas selected on the basis of geographic and volume density from which 90% of First-Class volume originates and 80% destinate. EXFC is not a system-wide measurement of all First-Class Mail performance.

c. Yes.

d. N.A.

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The interrogatory reads as follows:

DBP/USPS-389                      Please refer to your response to Interrogatory DBP/USPS-182. Please confirm, or explain if you are unable to confirm, that the procedures indicated in subparts b through d of the original interrogatory have been instituted after the EXFC program started and are in place at many post offices throughout the country.

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The Postal Service claims that this Interrogatory is not proper follow-up because I could have posed the Interrogatory without having seen the response to the original Interrogatory. Obviously, just about any Interrogatory could be posed depending on the level of psychic powers that I had. However, the need for clarification and elaboration on the original response is the proper criteria and the Commission has already ruled that way.

I am not attempting to argue with the previous response, I would just like to receive a response that responds to the question that I have posed.

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The interrogatories read as follows:

**DBP/USPS-390** Please refer to your response to Interrogatory DBP/USPS-183. Please confirm, or explain if you are unable to confirm, that, in general, if a Postmaster and/or a member of his/her staff at an individual post office removes one or more collection boxes they may believe that they will have either an improved EXFC score and/or an easier time to achieve the EXFC score.

**DBP/USPS-391** Please refer to your response to Interrogatory DBP/USPS-184. Please confirm, or explain if you are unable to confirm, that, in general, if a Postmaster and/or a member of his/her staff at an individual post office advances the collection time of one or more collection boxes they may believe that they will have either an improved EXFC score and/or an easier time to achieve the EXFC score.

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The original Interrogatories were responded to in what I perceived was a rather inappropriate method by claiming that post offices were incapable of belief. It should have been perfectly obvious what the intent was of the original Interrogatory. Now that I reword the original question so as to change the inanimate term post office to the animate term Postmaster and/or a member of his/her staff at an individual post office the Interrogatory is no longer relevant or proper follow-up.

**DBP/USPS-183.** Please confirm, or explain if you are unable to confirm, that, in general, if an individual post office removes one or more collection boxes they may believe they will have either improved EXFC scores and/or an easier time to achieve the EXFC score.

**RESPONSE:**

Not confirmed. Whether as inanimate objects or management constructs, post offices are incapable of belief. Removal of collection boxes does not change EXFC scores.

**DBP/USPS-184.** Please confirm, or explain if you are unable to confirm, that, in general, if an individual post office advances the collection time of one or more collection boxes they may believe they will have either improved EXFC scores and/or an easier time to achieve the EXFC score.

**RESPONSE:**

See the response to DBP/USPS-183.

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The interrogatories read as follows:

**DBP/USPS-392** Please refer to your response to Interrogatory DBP/USPS-186.

[a] Please advise which specific words in the referenced response indicate the procedures that are utilized to ensure that the data provided by EXFC droppers is accurate,

### B.3 Responsibilities

Test pieces must be entered into the mail stream in unbanded bundles. Droppers must induct mail during the allowable drop window that begins on the scheduled date of induction at 5:00 AM and continues until 30 minutes before the last scheduled pick up time. The only circumstance that a dropper will be allowed to induct mail prior to the induction day is when the last pickup time on the Collection Box Management System (CBMS) listing (this is provided to the supplier by the USPS) is later than the last pickup time posted on the selected collection box. In this instance only, the supplier may change the induction date from the day of the scheduled induction to the next day.

Droppers must record the following information from Decal 55, Collection Box Label (see Appendix VII): collection box ID number, last pickup time, address and date label printed. Any discrepancy must be reported to the supplier. If a discrepancy occurs concerning the last pickup time, Decal 55 information will determine the last pickup time.

The supplier will incorporate the use of cellular phones or other appropriate technology within the induction process. This technology, used by droppers to relay information at induction, will be checked for accuracy.

Droppers must notify the supplier, via the technology referred to above, of actual drop times and locations of all inductions on the day of induction. The supplier must produce documentation to USPS in all cases where changes to the original schedule occur. The supplier must also provide a report showing the number of times the scheduled induction date differs from the actual induction date for each dropper in every Performance Cluster. Also, if there is more than a two hour deviation from the forecasted induction time scheduled, the supplier must inform the COR. Finally, the supplier must develop a quality check to identify possible confidentiality breaches for droppers and reporters.

[b] If there are no independent methods that are utilized to determine that the data provided by EXFC droppers is accurate, so state.

[c] Are there any changes between the wording shown above which is from USPS-LR-K-127 and the corresponding paragraph in the current USPS-LR-L-134?

[d] If so, please advise the changes.

DBP/USPS-393

Please refer to your response to Interrogatory DBP/USPS-188.

[a] Please advise which specific words in the referenced response indicate the procedures that are utilized to ensure that the data provided by EXFC reporters is accurate,

### C.3 Responsibilities

On the day each test mail piece is received, reporters are required to write the date of receipt on the portion of the test piece that includes the test piece identification. Reporters must call the supplier within 24 hours of receipt to report the test mail. After the reporters call in the receipt information, they must place all insert sheets back into the correct test envelopes. Reporters must retain EXFC test mail pieces for at least 60 days.

Reporters must notify the supplier if they are unable to receive mail for any reason. Such reasons may include vacation, illness and destruction of mailboxes. The reporter response rate must be at least 90%.

Boxholder reporters must supply the posted box mail available time to the supplier.

[b] If there are no independent methods that are utilized to determine that the data provided by EXFC reporters is accurate, so state.

[c] Are there any changes between the wording shown above which is from USPS-LR-K-127 and the corresponding paragraph in the current USPS-LR-L-134?

[d] If so, please advise the changes.

DBP/USPS-394

Please refer to your response to Interrogatory DBP/USPS-189.

Section D.9 of the EXFC SOW requires that the supplier validate the accuracy of the reporter data and also indicates that the USPS may independently conduct tests of report accuracy as noted below:

#### D.9 Reporter Data Accuracy

The supplier must validate the accuracy of reporter data and the USPS COR must receive information confirming this validation process.

The USPS may independently conduct tests of reporter accuracy. The supplier must fabricate sufficient additional test mail to test two reporters per postal quarter in each of the EXFC Performance Clusters upon USPS request. This test mail will not be used to measure service performance. The supplier shall also produce a report summarizing these results upon request.

[a] Please advise which specific words in the referenced response indicate the procedures that are utilized to ensure that the data provided by EXFC reporters is accurate,

[b] Please advise which specific words in the referenced response indicate the procedures that are utilized by the USPS to independently ensure that the data provided by EXFC reporters is accurate,

#### C.3 Responsibilities

On the day each test mail piece is received, reporters are required to write the date of receipt on the portion of the test piece that includes the test piece identification. Reporters must call the supplier within 24 hours of receipt to report the test mail. After the reporters call in the receipt information, they must place all insert sheets back into the correct test envelopes. Reporters must retain EXFC test mail pieces for at least 60 days.

Reporters must notify the supplier if they are unable to receive mail for any reason. Such reasons may include vacation, illness and destruction of mailboxes. The reporter response rate must be at least 90%.

Boxholder reporters must supply the posted box mail available time to the supplier.

[c] If there are no independent methods that are utilized to determine that the data provided by EXFC reporters is accurate, so state.

These Interrogatories are attempting to determine the precise methods that are utilized by the EXFC Contractor to determine that the data that is being reported is accurate. The Statement of Work states that such a method exists and I have been trying to determine what that method is. Just because these materials have existed for years does not mean that I have not tried to determine what these methods are and the Postal Service has just responded look at certain paragraphs in the Statement of Work.

When the Postal Service states to look at a certain section of a manual or other publication, it is certainly proper follow-up to ask for which specific lines or words provide the answer. For example, when reference is made to the Testimony of a witness, it is necessary to also provide the page and line numbers being referred to. If the page and line numbers are not provided, it is certainly appropriate follow-up to ask for that information.

The reliability of the EXFC Program is relevant to the value of service of First-Class Mail.

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The interrogatories read as follows:

DBP/USPS-395 Please refer to your response to Interrogatory DBP/USPS-190.

Your response stated:

**RESPONSE:**

While the Postal Service has not explored these postulated options, it is probably safe to confirm that they may be possible.

Please explain why it was necessary to not provide an unconditional confirmation of the postulated option.

DBP/USPS-396 Please refer to your response to Interrogatory DBP/USPS-191.

This Interrogatory does not postulate any particular way of counting the days to delivery. It asks two specific questions and then asks for actual percentages for a recent period.

[a] Please respond to the original Interrogatory.

[b] With respect to subpart a of Interrogatory DBP/USPS-70, please confirm, or explain if you are unable to confirm, assuming no non-delivery days are involved, that very little [probably well less than 10%] of the mail that is destined to a 2-day delivery area will be delivered overnight.

[c] With respect to subpart a of Interrogatory DBP/USPS-70, please confirm, or explain if you are unable to confirm, assuming no non-delivery days are involved, that a small amount [probably well less than 20%] of the mail that is destined to a 2-day delivery area will be delivered in 3 or more calendar days since it would not have achieved timely delivery.

[d] With respect to subpart a of Interrogatory DBP/USPS-70 and your response to subparts b and c of this Interrogatory, please confirm, or explain if you are unable to confirm, assuming no non-delivery days are involved, that at least 70% of the mail that is destined to a 2-day delivery area will be delivered in 2 days.

[e] Please confirm, or explain if you are unable to confirm, that the delivery standards are established that mail destined to the overnight area will be scheduled for delivery overnight and achieve it some 95% of the time.

[f] Please confirm, or explain if you are unable to confirm, that the delivery standards are established that mail destined to the 2-day delivery area will be scheduled for delivery on the second day assuming no non-delivery days and achieve it some 90% of the time.

[g] Please confirm, or explain if you are unable to confirm, that the delivery standards are established that mail destined to the 3-day delivery area will be scheduled for delivery on the third day assuming no non-delivery days and achieve it some 90% of the time.

[h] Please confirm, or explain if you are unable to confirm, that if mail was consistently being delivered on a day other than the service standards would indicate [assuming no non-delivery days are involved] then the service standards would be changed.

DBP/USPS-397                      Please refer to your response to Interrogatory DBP/USPS-192.

[a] Please confirm, or explain if you are unable to confirm, that the method of counting days provided in Section D.3 of USPS-LR-L-134 will introduce a certain amount of inaccuracy due to the effect of non-delivery days.

[b] Please confirm, or explain if you are unable to confirm, that the possible method of counting days provided in Interrogatory DBP/USPS-69 will introduce a certain amount of inaccuracy due to the effect of non-delivery days.

[c] Please confirm that the response to subpart a above will be a greater inaccuracy than the response to subpart b above.

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These Interrogatories are attempting to evaluate the method by which the Postal Service counts days to delivery and obtain information relative to the reliability of the EXFC Program data.

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The interrogatory reads as follows:

DBP/USPS-398                      Please refer to your response to Interrogatory DBP/USPS-193.

- [a]     Please confirm that the page reference should be 14 and not 13.
  - [b]     A response was not received to subpart b of Interrogatory DBP/USPS-193. Please respond.
  - [c]     Does IBM select boxes remotely in a manual method or do they have a computer program to effect the random selection.
  - [d]     Please discuss the method utilized as provide in the response to subpart c above.
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This Interrogatory is attempting to clarify whether IBM is able to download data from the CPMS database or they are only able to look at CPMS data and also whether the CPMS database will provide randomly selected collection boxes to deposit EXFC mail into or IBM has to either manually select random boxes or develop a computer program to do so.

This data is relative to the reliability of the EXFC data and the value of service of First-Class Mail.

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The interrogatory reads as follows:

DBP/USPS-416                      Please refer to your response to Interrogatory DBP/USPS-181 subpart b. What I am interested in are the various procedures that have been implemented to raise the EXFC for 84% in 1992 to the score of 95% in 2006. Items such as the following are the types of items that I would consider to be the type of response:

- [1]     Blue collection boxes are scanned on collection

- [2] Missed collection boxes are collected after discovery of being missed
- [3] Missent mail is processed for delivery on the same day
- [4] Collection times are advanced to allow for an earlier arrival at the plant
- [5] The number of blue collection boxes has been reduced
- [6] Checks are made to ensure all mail collected is dispatched to the plant
- [7] Service Standards have been evaluated and changed when appropriate

Please provide the desired information.

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If a claimed broadly-worded Interrogatory is relevant than a specifically worded one is equally relevant and appropriate follow-up. This Interrogatory and the one on which it followed up on is attempting to determine some of the actions that the Postal Service utilized to improve the EXFC score from 84% to 95%. The improvement of First-Class Mail delivery is related to its value of service.

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For the reasons stated, I move to compel response to the referenced interrogatory since it is reasonably calculated to lead to the discovery of admissible evidence.

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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.

David B. Popkin      August 16, 2006

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