

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268B0001

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE TO
INTERROGATORIES OF DAVID B. POPKIN
(DBP/USPS-520-21, and 534)
(August 24, 2006)

The United States Postal Service hereby objects to the following interrogatories of David Popkin, filed on August 14, 2006: DBP/USPS-520-21, and 534. The interrogatories state:

DBP/USPS-520. Please refer to your response to Interrogatory DBP/USPS-409.

- [a] Please explain why the EXFC performance for cards and flats is significantly lower than that for letter-size mailpieces in all three categories [Overnight and 2- and 3-day].
- [b] Please advise the steps that are being taken to improve this performance.

DBP/USPS-521. Please refer to your response to Interrogatory DBP/USPS-379 subpart b.

- [a] Please explain why you believe that post office boxholders should be concerned that the construction of their post office box might not provide sufficient security for their mail.
- [b] Please advise the steps that are being taken to improve the security provided to post office box construction.

DBP/USPS-534. Please refer to your response to Interrogatory DBP/USPS-403. Your response provided a listing of some 469 3-digit ZIP Code prefixes that are not part of the EXFC program. This is slightly more than one-half of all of the 3-digit ZIP Code prefixes [since there are 463 3-digit ZIP Code prefixes that are part of the EXFC program.

- [a] Please confirm that with this breakdown of areas the mail volume does meet the geographic and volume density from which 90% of First-Class volume originates and 80% destines.
- [b] Please provide the raw data that will confirm that the 90% and 80% values referenced above are complied with.
- [c] Please indicate why the 463 prefixes have been chosen to be part of the program and/or why the 469 prefixes were not chosen to be part of the program.

As explained in greater detail below, the Postal Service objects to these interrogatories on the grounds of relevance and materiality, and because the questions do not properly follow

upon the cited previous interrogatory responses.

Interrogatory DBP/USPS-519, filed together with the interrogatories quoted above, demonstrates that interrogatory **DBP/USPS-520** did not provide new information regarding the respective patterns of EXFC performance for letters and cards.¹ Specifically, DBP/USPS-519 inquires into differences between a chart containing FY 2005 data that is discussed in the response to DBP/USPS-48(b) (filed on July 20), with a similar chart containing PQ2 2006 data that was filed in response to DBP/USPS-409, filed August 7, 2006. Interrogatory DBP/USPS-520 inquires into the reasons behind EXFC data that differ somewhat with respect to letters and cards. However, the same pattern of similarities and differences between First-Class Mail letters and cards appear in both charts; as such, the response to DBP/USPS-409 cannot be said to have introduced this issue for the first time. As several Presiding Officer's Rulings have already noted while denying Mr. Popkin's repeated motions to compel responses to EXFC-related interrogatories, answers to such questions cannot add materially to the record in this proceeding.²

The Postal Service objects to interrogatory **DBP/USPS-521**, which deals with a quite different topic: security of post office boxes. Interrogatory DBP/USPS-521 begins by referencing the response to interrogatory DBP/USPS-379(b), which provides in pertinent part:

DBP/USPS-379. Please refer to your response to Interrogatory DBP/USPS-156. Your reference to the response to Interrogatory DFC/USPS-T41-8 does not appear to match my Interrogatory which relates to the comparison of post office box service vs. city delivery service at the same facility.

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[b] Please explain how having public access to a box section can reduce the level of security to mail contained in individual locked boxes in the facility.

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RESPONSE:

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[b] A closed lobby area represents an additional layer of security beyond the post office box's lock.

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Interrogatory DBP/USPS-521 directly mischaracterizes this response when it states: "Please explain why you believe that post office boxholders should be concerned that the construction of

¹ Interrogatory DBP/USPS_519 is proper follow-up, and the Postal Service will respond accordingly.

² See Presiding Officer's Rulings R2006-1/14, 19 and 43.

their post office box might not provide sufficient security for their mail.” The response makes a simple observation of fact, while DBP/USPS-521 wrongly converts that into an ostensible customer belief. As such, it does not follow upon the response to DBP/USPS-379(b). At this stage of the case, nor would a response to DBP/USPS-521 add materially to the evidence in this docket. A response could only point out that the question mischaracterizes the previous response and indicate absence of awareness that existing post office boxes present mail security concerns. Since such a concern is a figment of Mr. Popkin’s own imagination, and not in the evidentiary record, the response cannot really add anything to the record.

Interrogatory **DBP/USPS-534** purports to follow upon the response to DBP/USPS-403, which provided Mr. Popkin with a list of non-EXFC three-digit ZIP Codes. Since he has had the list of EXFC three-digit ZIP Codes at least back to Docket No. R2005-1, he could have and has asked for comparisons between included and excluded ZIP Codes before. No response to DBP/USPS-534 could add materially to the record. The ZIP Codes were chosen to meet the 90/80 percent criteria paraphrased in DBP/USPS-534(a) based upon the business decision that sampling all possible ZIP Codes was uneconomical. In no sense did the response to DBP/USPS-403 suddenly make the ODIS data by which they were selected something that can now, for the first time, be examined. The Postal Service objects to DBP/USPS-534 as improper follow up, irrelevant and immaterial to issues in this docket.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

Kenneth N. Hollies
Attorney

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260–1137
(202) 268–3083; Fax –3084
khollies@usps.gov