

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

Postal Rate Commission  
Submitted 8/30/2006 8:30 am  
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Postal Rate and Fee Changes, 2006]

DOCKET NO. R2006-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORY  
DBP/USPS-478.

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

August 30, 2006

Respectfully submitted,

R20061MTC23A478

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

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On August 7, 2006, I submitted Interrogatory DBP/USPS-478. On August 17, 2006, the Postal Service filed an objection to this interrogatory.

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The interrogatory reads as follows:

DBP/USPS-478 Please refer to your response to Interrogatory DBP/USPS-287 subpart d.

[a] Please provide a breakdown for Express Mail that has a service guarantee of three or four days showing the percentage of the mail that is delivered in one calendar day, two calendar days, three calendar days, four calendar days, and five or more calendar days. Provide separate data for PO-PO vs. PO-Addressee mail.

[b] Please confirm, or explain if you are unable to confirm, that most, if not all, of the three and four day delivery guarantees are as a result of the inability to deliver Express Mail on a Sunday or holiday at the delivery office.

[c] Based on the response to subpart b above, please indicate the reasons how three and four day guaranteed mail can be delivered in one or two days.

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The Postal Service objects to this interrogatory on the grounds of relevance. The Postal Service just makes a blanket statement that the detailed information being sought is not materially relevant to the recommendation of Express Mail rates in this proceeding. The Postal Service does not provide any support to their claim as required by the Commission's Rules of

Practice. It is difficult to prepare a Motion to Compel when all the Postal Service states is that it is not relevant.

The actual delivery times of Express Mail is relative to the value of service provided for Express Mail and therefore is relevant to this proceeding. It would appear by the Postal Service's claim that three and four day standard data is not relevant that they are conceding that one and two day service is relevant.

Since the Postal Service has conditions under which they guarantee delivery in three and four days as well as that which is delivered in one and two days, the three and four day data is equally relevant and must be provided. I would assume that the volume of three and four day Express Mail is considerably less than the volume of one and two day mail, however, the standard does exist and the data is relevant.

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For the reasons stated, I move to compel response to the referenced interrogatories 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 30, 2006

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