

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-522, 523, and 524 subpart a.

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

September 6, 2006

Respectfully submitted,

R20061MTC26A522524

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On August 14, 2006, I submitted Interrogatories DBP/USPS-522, 523, and 524 subpart a. On August 24, 2006, the Postal Service filed an objection to these interrogatories.

The interrogatories read as follows:

DBP/USPS-522 Please refer to your response to Interrogatory DBP/USPS-380. The following Interrogatory relates to Express Mail that is entered in the system at a post office that is on the Guam side of the International Dateline and is destined to addressees that are on the 48-states side of the International Dateline. The effects of Sundays or holidays should not be considered. For purposes of this Interrogatory, please define the term "calendar date" as the date that will appear on a calendar at the particular location being considered and the term "physical day[s]" as the number of physical days that pass from the day the mailpiece is entered in the system to the day that the mailpiece is delivered [For example, if an Express Mail article is mailed on a calendar day of Monday in Guam, the calendar day in Honolulu at that time of mailing will be Sunday and the overnight physical day to delivery would have the article delivered in Honolulu on a calendar day of Monday after the passage of one physical day].

[a] For Express Mail that crosses the International Dateline, does the term "Next" or "2nd" under Day of Delivery refer to calendar days or physical days?

[b] Does the "Scheduled Date of Delivery" show the calendar date at the delivery location or does it take the effects of the International Dateline?

[c] For Express Mail deposited in Guam and other locations on that side of the International Dateline and destined for delivery across the International Dateline, are there any locations that will be guaranteed delivery on the next physical date?

- [d] If so, provide a general indication of the places that will receive this level of service.
- [e] Will all other areas on the 48-states side of the International Dateline receive a guaranteed delivery on the second physical day or will some areas receive a guaranteed delivery on the third physical day?
- [f] If some areas receive a guaranteed delivery on the third physical day after mailing, please provide a general indication of the places that will receive this level of service.
- [g] Please confirm, or explain if you are unable to confirm, that delivery on the third physical date, even though it is still only two calendar days later does not meet the service standards of overnight or 2-day delivery [assume no effect of Sunday or holiday delivery].

DBP/USPS-523 Please refer to your response to Interrogatory DBP/USPS-382 subpart b [incorrectly shown as subpart c on the response].

If one adds the implied statement to the Interrogatory of "and receive the guaranteed delivery standards that are established for mail deposited that day" at the end of the Interrogatory it would indicate the intent of the original Interrogatory for which a response is desired.

In other words, is an office is permitted to establish a cut-off time prior to the opening of the retail service window hours - such as a cut-off time at 7 AM and the window doesn't open until 8 AM and therefore making it impossible for a mailer to enter an Express mailpiece over the retail window in a manner that will achieve the delivery standards for mail deposited that date,

DBP/USPS-524 Please refer to your response to Interrogatory DBP/USPS-167. This follow-up Interrogatory is being filed today [since it must be filed within 7 days] without prejudice to my Motion to Compel a full response to the original Interrogatory.

Your response indicates that I should refer to the response to Interrogatory DBP/USPS-127 filed in Docket R2005-1 as follows:

DBP/USPS-127. Please refer to your response to DBP/USPS-88.

(a) Please confirm, or explain if you are unable to confirm, that the data provided in response to Interrogatory DBP/USPS-65 subpart d in Docket R2001-1 is still correct for the 20 referenced offices.

(b) Please provide an estimate as to the number of additional post offices that would be added to the listing if a complete study was made.

(c) Since most of the offices appear to be in Alaska, has the District Manager of the Alaska District been queried as to the offices in his District that do not have 6-day a week mail service? If not, why not? If so, what was the response?

RESPONSE:

(a) The data is still correct for 15 of the 20 offices cited. The offices of Chitina, Chignik, Chignik Lagoon, Eagle, and King Cove are currently receiving shipments of Express Mail six days per week.

(b) As noted in the response to DBP/USPS-88, a complete study would produce list that is substantially similar in both size and scope to the one provided in response to DBP/USPS-65(d) in Docket No. R2001-1. A quantitative estimate by which the number of offices on that list would increase (or decrease) cannot be provided because no complete study has been undertaken.

(c) The District Manager has been queried and responds that the service being provided is a longstanding traditional service to very unique and remote areas that are experiencing no growth whatsoever, that an appropriate level of service is being provided, and that there are no initiatives under consideration to change the present level of service.

[a] Please refer to the response to subpart c of Docket R2005-1 Interrogatory and provide a response from the District Manager of the Alaska District showing which offices in his District that do not have 6-day a week mail service. The response that was originally made did not respond to the request that was made but attempted to explain and justify why there are offices that do not have 6-day a week mail service.

[b] The response to Interrogatory DBP/USPS-380 appears to indicate that there are some instances where there are excessive distances [or lack of transportation] to meet the guaranteed delivery standards. Please explain.

The Postal Service objects to this Interrogatory on the grounds of relevance.

The original Interrogatory DBP/USPS-380 raises the question of how Express Mail was handled when it transversed the International Dateline.

DBP/USPS-380. Please refer to your response to Interrogatory DBP/USPS-161 subpart d.

[a] Please confirm, or explain if you are unable to confirm, that when it is Monday in Guam it will be Sunday on the 48-states side of the International Dateline.

[b] Please confirm, or explain if you are unable to confirm, that if the Express Mail article mailed in Guam on Monday prior to the cut-off time and destined to an area on the 48-states side of the International Dateline was delivered as expeditiously as possible, namely, it was delivered on the next "physical" day, the local date at the point of delivery would be Monday.

[c] Please reevaluate the response to the original subpart d.

RESPONSE:

(a) – (c) An adjustment is made to the service commitment for westbound Express Mail pieces to account for the International Dateline, as noted in the response to DBP/USPS-161(c), but not to eastbound Express Mail pieces, as noted in the response to DBP/USPS-161(d). A backwards adjustment is not made because the transportation from Guam does not support such an adjustment.

If this was relevant to the value of service, a follow-up interrogatory to clarify this response is equally relevant and necessary to obtain the full picture of this category of Express Mail.

Subpart g of this Interrogatory attempts to clarify the last sentence of the response to Interrogatory DBP/USPS-380.

Interrogatory DBP/USPS-523

The Postal Service objects to this Interrogatory on the grounds of timeliness and improper follow-up. The intent of this Interrogatory has always been the same, namely, is a local post office able to establish a cut-off time prior to the opening of the retail service window hours making it impossible for a mailer to enter an Express mailpiece over the retail window in a manner that will achieve the delivery standards for mail deposited that date,

This continuous chain of the Interrogatory can be seen by evaluating the two original Interrogatories.

DBP/USPS-382. Please refer to your response to Interrogatory DBP/USPS-166 subpart b.

[a] Please confirm, or explain if you are unable to confirm, that if an office had a 7 AM cutoff time and the window didn't open until 8 AM, a mailer could not achieve the same level of service for an Express Mail article that would be available if the retail window service started at 6 AM and the mailpiece was deposited between 6 AM and 7 AM.

[b] Please reanswer the original Interrogatory and provide the rationale for your response.

RESPONSE:

(a) Confirmed that the service commitment is different for Express Mail pieces accepted before and after a particular cut-off time.

(c) The original interrogatory, which asked about the "deposit" of Express Mail, was answered; thus, there is no need to "reanswer" it.

DBP/USPS-166.

[a] Please discuss and explain any restrictions or criteria considered with respect to the setting of a cut-off time at a specific acceptance point. Please distinguish between overnight vs. non-overnight guarantees and the relationship of the cut-off time to the retail window service hours or day of the week.

[b] If an office is permitted to establish a cut-off time prior to the opening of the retail service window hours - such as a cut-off at 7 AM and the window doesn't open until 8 AM, how can a mailer deposit Express Mail that day?

RESPONSE:

(a) The cutoff times at individual acceptance units are set by officials in the field, and are generally designed to connect with a planned set of dispatches necessary to meet the delivery guarantee.

(b) A mailer can deposit Express Mail whenever an office is open.

Interrogatory DBP/USPS-524 subpart a

The Postal Service objects to this Interrogatory on the basis of relevance, burden, and improper follow-up.

The level of service for Express Mail in Alaska is equally relevant to the level of service in the other 49 states. The Postal Service fails to quantify the amount of the burden as required by the Commission's Rules of Practice. The only burden is to send one e-mail to the District Manager of the Alaska District and ask him/her the offices in his/her District that do not have six day a week incoming mail service. I am sure that the District Manager or the Operations Support Manager has that information readily available and there should be no burden other than the exchange of e-mails to provide the answer.

The original intent of the Interrogatory was to obtain the complete listing of Alaskan offices that are involved since it is believed that Alaska will be the great majority of the offices that meet the criteria.

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.

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 September 6, 2006
