

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-467, 472, AND 473.

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

August 30, 2006

Respectfully submitted,

R20061MTC22A467473

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On August 7, 2006, I submitted Interrogatories DBP/USPS-467, 472, and 473. On August 17, 2006, the Postal Service filed an objection to these interrogatories.

The interrogatories read as follows:

DBP/USPS-467 Please refer to your response to Interrogatory DBP/USPS-124.

[a] Under the present procedures please confirm, or explain if you are unable to confirm, that mailpieces that are insured for \$50 or less will be marked with an oval marking with the word INSURED contained in it.

[b] How does the mailer obtain this marking for mailpieces that are not mailed over a retail window?

DBP/USPS-472 Please refer to your response to Interrogatory DBP/USPS-124. It is proposed in this Docket to change the necessity of obtaining the addressee's signature from parcels insured for \$50.01 or more to those insured for \$200.01 or more. Please indicate how it is proposed under the proposed regulations to mark each of the mailpieces that are presented in any authorized manner and for any authorized value of insurance. Please provide copies of the marking.

DBP/USPS-473 Please refer to your response to Interrogatory DBP/USPS-124. It is proposed in this Docket to obtain a delivery scan for all mailpieces insured for \$200 or less.

[a] Since this will now require an identifying number and barcode for mailpieces insured for \$50 or less, will it now be possible to obtain a return receipt for this type of mailpiece?

[b] If not, why not?

The Postal Service objects to all of these interrogatories on the grounds improper follow-up.

All three of these Interrogatories follow-up on Interrogatory DBP/USPS-124 as follows:

DBP/USPS-124 This Interrogatory relates to the mailing of a single-piece Insured Mail article.

[a] Please advise the various methods that such an article may be entered into the system, such as, a retail window, an APC, Click 'N Ship, etc.

[b] For each of the methods enumerated in response to subpart a, please indicate the maximum value of insurance that may be obtained.

[c] For each of the methods enumerated in response to subpart a, please provide a copy of a sample receipt that would be provided to the mailer. If different types are utilized for different ranges of insurance value, please provide copies of all and state the range of insurance values to which they would apply.

[d] For each of the methods enumerated in response to subpart a, please provide a copy of the label that would be affixed to the mailpiece. If different types are utilized for different ranges of insurance value, please provide copies of all and state the range of insurance values to which they would apply.

[e] Please describe the methods of processing and delivering an Insured Mail article from the time that it arrives at the delivery office until it is delivered to the addressee including, but not limited to, the scans that are made, the accountability of the mail to each of the delivering carriers, and the delivery to the addressee. Please provide copies of any forms that are utilized. If different methods are utilized for different insurance values, please discuss and explain.

[f] Is electronic or hard copy [green card] Return Receipt service available for all classes and categories of Insured Mail?

[g] If not, please discuss explain.

RESPONSE:

a. Insured articles may be entered via Carrier Pick-up, blue collection boxes, delivery carrier, APCs, and at the window.

b. Online Insurance - up to \$500, APCs - up to \$500, and POS - up to \$5000

c. Please see the attached. PS Form 3813, shown in Attachment 1, as well as the left side of Attachment 2, are the receipts given for items insured under \$50. For items insured over \$50, customers would receive either receipt shown on the right side of the Attachment 2. Attachment 3 shows the receipt customers would receive at an APC for an item insured over \$50. For items insured under \$50, customers would receive the same type of receipt, only without the tracking number.

d. Please see Attachment 4. Form 3813-P is affixed to mailpieces insured over \$50. No label is affixed to items insured under \$50.

The Postal Service also objects to Interrogatories DBP/USPS-467 and 472 in that they seek a level of detail regarding insured mail beyond what is relevant in an omnibus rate proceeding.

The original Interrogatory DBP/USPS-124 was filed on June 28, 2006. According to the Commission's Rules of Practice, a response was required within 14 days or by July 12, 2006,

at the latest. A response was not made until July 31, 2006 or NINETEEN days late. Not only was the response 19 days late, but it was filed after the close of discovery on July 14, 2006. Had the response been made on time, I would have been able to file follow-up interrogatories without regard to fully complying with the provisions of the Rules of Practice.

Therefore, because the late filing of a response which straddled the end of discovery date, I was prejudiced by the Postal Service's late response.

In any case, these Interrogatories are proper follow-up. Subpart d of Interrogatory DBP/USPS-124 asked for the copy of labels that would be affixed for various values of insurance. The response did not deal with the markings that would be affixed for articles with an insured value of \$50 or less. The failure of the Postal Service to explain the markings that are provided for articles with an insured value of \$50 or less is necessary to fully understand the markings of insured mail. I believe that the oval insured marking is applied to mailpieces both by means of a label [such as might occur with an APC] and a rubber stamp [such as might occur at a retail window]. To make the distinction between a rubber stamp and a label when the import of the interrogatory was dealing with markings is inappropriate and certainly requires a follow-up to resolve the technicality.

Interrogatory DBP/USPS-472 relates to whether the markings will be the same for articles insured for between \$50 and \$200 under the proposed regulations.

The response to subpart c of Interrogatory DBP/USPS-124 indicates that there will be no tracking number for articles insured for \$50 or less. Interrogatory DBP/USPS-473 is attempting to determine how the Postal Service will be able to obtain a delivery scan if there is no tracking number on the mailpiece.

The Postal Service states that just because these Interrogatories relate to operational details they are automatically immaterial to this proceeding. Operational details are an integral part of the value of service.

The markings that are applied to mailpieces that are insured for under \$50 under the present regulations and under \$200 under the proposed regulations are relevant to the value of service for insured mail. If these markings do not contain a tracking number and the associated

barcode [I believe the present markings do not] then inquiring on how the Postal Service will perform a delivery scan of these mailpieces on delivery is relevant and, in my opinion, a rather significant concern and is far from being the smallest detail of the Postal Service's operations. The obtaining of a delivery scan on delivery of these mailpieces is a significant improvement to the value of service of insured mail.

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 August 30, 2006
