

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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POSTAL RATE AND FEE CHANGES, 2006

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Docket No. R2006-1

**RESPONSE OF THE UNITED STATES POSTAL SERVICE IN OPPOSITION  
TO THE MOTION OF DAVID B. POPKIN TO COMPEL RESPONSES  
TO INTERROGATORIES DBP/USPS-373, 383-385**

The Postal Service hereby opposes the motion of David B. Popkin to compel responses to interrogatories DBP/USPS-373, 383-386.<sup>1</sup> The Postal Service had filed its objections on August 3, 2006.

**DBP/USPS-373**

Interrogatory 144 asked for the “current Postal Service policy with respect to the sale of philatelic stamps, items, and products.” The Postal Service answered that question fully. Rather than a follow up, interrogatory 373 appeared to be an amendment, asserting that the previous answer was not made with respect to the “actual stamps” and asking the Postal Service to “respond to the original interrogatory with respect to stamps themselves” and to “advise any unwritten policies that exist.” The Postal Service objected to interrogatory 373 as improper follow up and noted that it made little sense.

Mr. Popkin’s motion confirms both points. It states:

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<sup>1</sup> David B. Popkin Motion To Compel Response To Interrogatories DBP/USPS-373, 383-386 (August 15, 2006) (hereinafter “Popkin MTC”).

The train of thought of these three Interrogatories is one of attempting to obtain information to determine the policy that exists for maximizing the profit from the sale of philatelic items and products. The term philatelic items and products should be clear enough to refer to all philatelic items and products, including the retention of stamps because of the philatelic nature and the purchase of items that are related to the various philatelic stamps such as first day covers, books, stationer, mugs, etc. The term "actual stamps" obviously refers to the retention of stamps because of their philatelic nature and not to the sale of a stamp that will be utilized to pay the postage on a mailpiece. The concept of providing the profit from the sale of the actual stamps has always been the thrust and intention of the Interrogatory from the very beginning and should be provided.<sup>2</sup>

Resisting the urge to climb on board Mr. Popkin's railroad analogy, the Postal Service will simply state that if, as it now appears from Mr. Popkin's elaboration on his series of interrogatories, he is seeking a statement of the Postal Service's "policy" on how many "actual stamps" should be retained by the public for philatelic purposes (presumably as opposed to stamps retained by the public for convenience or other purposes, or used to pay postage on a mailpiece), he has put the cart before the horse. The determination of how to use a purchased stamp is made by the individuals who purchase them, not by Postal Service "policy." Mr. Popkin should refer to the Postal Service's estimate of the value of postage in the hands of the public (PIHOP).

### **DBP/USPS-383**

This question asked whether the Postal Service initially sold the first sheet of self-adhesive stamps for more than face value. The Postal Service had objected to this question as improper follow up, and, in any event, irrelevant. Although Mr. Popkin's motion attempts to explain the strategy of his "gotcha" question, he fails completely to address why the price at which a sheet of stamps may have temporarily been sold –

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<sup>2</sup> Popkin MTC at 1-2.

*over ten years ago* – has any bearing whatsoever on the issues before the Commission in this docket. It does not.<sup>3</sup>

Although Mr. Popkin is correct that the Postal Service's objection "failed to copy subpart (c)," the objection was to the entire interrogatory, and part (c), which asked the Postal Service to file as a library reference *The Guide to U.S. Stamps*, is equally irrelevant. The Postal Service real failure here was in indulging Mr. Popkin with answers to his original series of interrogatories of dubious relevance, rather than objecting from the start. As a result, the train continues to barrel down the tracks, 400-plus interrogatories later. *The Guide to U.S. Stamps* is available on the Postal Service's website. Since it is Mr. Popkin's practice to request a personal copy of all hard-copy library references filed by the Postal Service, subpart (c) is a way for Mr. Popkin, unlike any other member of the public, to obtain a free copy. The fact is that such a library reference will serve no purpose in this case and relates to no issue before the Commission. Its filing should therefore not be compelled.

#### **DBP/USPS-384**

This interrogatory, to the extent it is comprehensible, asked the Postal Service to confirm a previous answer. In Mr. Popkin's own words, "DBP/USPS-384 attempted to confirm that all the information that was requested in the original Interrogatory would be

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<sup>3</sup> He also mischaracterizes a previous answer in saying that "the Postal Service explained why the Lewis and Clark stamps were sold for more than the face value." Popkin MTC at 3. The Postal Service had explained that the total price represented the sum of the face value of the stamps and the price of the book. Response to USPS-DBP-168 (July 17, 2006).

available in the two references that were provided.”<sup>4</sup> The Postal Service objected on the grounds of relevance, and noted that the question appeared to be another “gotcha” question, in which Mr. Popkin has a specific fact in mind, but asks a general question to see if the Postal Service’s answer will include the fact he has in mind. It is clear from Mr. Popkin’s own statement that the question is cumulative. If he thinks there is something missing from the previous answer, that has relevance to this docket, he should have addressed it directly.<sup>5</sup>

### **DBP/USPS-385**

Mr. Popkin’s motion to compel a response to DBP/USPS-385 simply states that referral to DMM sections 604.1.2 and 604.1 raises new questions that require elaboration and clarification of the questions in DBP/USPS-171. These new questions in DBP/USPS-385(b-e) ask about the uses for old special handling, Certified Mail, and special delivery stamps that a customer might be holding. The Postal Service objected to these questions because they lack relevance and materiality to the issues in this rate case. Mr. Popkin’s motion fails to address these relevance and materiality concerns. Moreover, the Commission determined in Docket No. R97-1 that issues related to these special stamps issued for various services lacks relevance to an omnibus rate case. Presiding Officer’s Ruling No. R97-1/53, at 8. Therefore, regardless of whether

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<sup>4</sup> Popkin MTC at 4.

<sup>5</sup> Mr. Popkin’s assertion in his motion that the interrogatory “also noted that the online availability of the Postal Bulletin only goes back to 1995 and that there are 26 issues per year” is mysterious at best. Popkin MTC at 4. That statement does not appear in the interrogatory at issue and the relevance of online availability and the number of issues per year is hard to comprehend.

DBP/USPS-385(b-e) relate to the DMM sections mentioned in the revised response to DBP/USPS-171, responses would not be relevant to this proceeding.

For the reasons stated above, Mr. Popkin's motion to compel a response to these interrogatories should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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