

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

POSTAL RATE AND FEE CHANGES

Docket No. R2006-1

REPLY OF UNITED STATES POSTAL SERVICE
TO MOTION OF DAVID POPKIN TO COMPEL RESPONSES
TO INTERROGATORIES DBP/USPS-386, 388
(August 22, 2006)

The United States Postal Service hereby replies to Mr. Popkin's motions to compel responses to interrogatories DBP/USPS-386, 388 (Motion).¹ The interrogatories were filed on July 24, 2006, while the Postal Service objection was timely filed on August 3, 2006 (Objection).²

The Postal Service Objection was detailed and lengthy, setting forth various grounds for each of the questions; accordingly, the arguments therein are incorporated here by reference. Since both the Motion and the Objection set forth the full text of each interrogatory, they are repeated again only to the extent required by the argument. Mr. Popkin's Motion respond to some of the bases for objection. The Postal Service hereby responds to the various points raised, while requesting that the Motion be denied in its entirety.

Interrogatory DBP/USPS-386 purports to follow upon the response to DBP/USPS-173, both of which relate to EXFC and previous interrogatories answered regarding EXFC and USPS-LR-L-134. The Postal Service objected to this interrogatory on the grounds that the question is cumulative, asking for material that has already been provided, that it cannot lead to the discovery of admissible evidence. In its objection, the Postal Service tracks this interrogatory DBP/USPS-173 back through DBP/USPS-50 and DBP/USPS-18. The Postal Service maintains its objection on each grounds. Perhaps more important, Mr. Popkin has lost track of what he has asked for and what he has been given. In DBP/USPS-386, Mr. Popkin claims the response to DBP/USPS-173 misunderstands the question. Nothing could be farther from the truth.

¹ *David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-373, 383-86*, (August 15, 2006). Responses to Mr. Popkin's motion to compel other responses in this set are filed under separate cover.

² *Objection Of The United States Postal Service To Interrogatories Of David B. Popkin (DBP/USPS-373, 383-86, 388-398, 416)* (August 3, 2006).

In DBP/USPS-18, Mr. Popkin requested and was provided the attachments to the Time Transit Measurement System (TTMS) Statement of Work, the body of which had been provided as USPS-LR-K-127/R2006-1. Appendix II fell within the ambit of the response to part (c) of DBP/USPS-18, in which the Postal Service indicated that sensitive information had been redacted. Appendix II provides descriptions of EXFC mailpieces, details that are considered sensitive by those concerned with the sanctity of EXFC. Then in DBP/USPS-50, Mr. Popkin requested and was provided an unredacted version of Appendix II, EXFC mailpiece descriptions from the USPS-LR-K-127/R2005-1 Statement of Work (based on a determination that the mailpiece descriptions did not need protection from release, despite their inherent sensitivity). In DBP/USPS-173, the Postal Service was asked to compare the two versions of Appendix II, which the Postal Service forthrightly did. That course may have seemed most expedient, notwithstanding that there is no reason could have conducted such a comparison himself; unfortunately, subsequent events belie the seeming expedience. In DBP/USPS-386, Mr. Popkin claims that the comparison he got in response to DBP/USPS173 was not what he asked for, notwithstanding that fact that it most certainly was.

As such, interrogatory DBP/USPS-386 is indeed cumulative, already asked and answered. The question is also argumentative, cannot lead to the discovery of admissible evidence, and it does not constitute proper follow up. The Postal Service accordingly maintains its objection and asks that Mr. Popkin's motion to compel be denied.

Interrogatory DBP/USPS-388 refers to the response to DBP/USPS-177; both deal with the (3-digit) ZIP Codes that are sampled for EXFC purposes. The Postal Service has already explained that the Postal Service chose not to make EXFC universal, limiting its coverage so that the "panel of ZIP Codes ... represent 90% of the First-Class Mail originating volume and 80% of destinating volume," a statement that Mr. Popkin quotes in DBP/USPS-388. Beyond a statement that these coverage factors were derived from ODIS data, the Postal Service maintains its objections on the grounds that the question seeks immaterial and irrelevant material, and that his examination of "an infinite number of possible combinations" of ZIP Codes will not matter one iota to issues in this docket. As such, the Postal Service requests, as in Presiding Officer's Rulings 14, 19, and 43, that the Presiding Officer not entertain Mr. Popkin's invitation to explore infinite other possibilities regarding the EXFC program, there being sufficient information to evaluate it already available in the record of this docket.

WHEREFORE, the United States Postal Service asks that the Motion to compel responses to interrogatories DBP/USPS-386, 388 be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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