

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-573 THROUGH 598

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

September 21, 2006

Respectfully submitted,

R20061MTC28A573598

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

On August 28, 2006, I submitted Interrogatories DBP/USPS-573 through 598. On September 8, 2006, the Postal Service filed an objection to these interrogatories.

The interrogatories read as follows:

DBP/USPS-573 Please refer to your response to Interrogatory DBP/USPS-476. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-574 Please refer to your response to Interrogatory DFC/USPS-T38-15. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-575 Please refer to your response to Interrogatory DFC/USPS-T38-16.
[a] Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

[b] Please confirm, or explain if you are unable to confirm, that once a customer who is aware that his/her single-piece/non-presort Bound Printed Matter mailpiece will require, for example, \$3.67 in postage is to just issue a PVI strip and take the mailpiece as opposed to obtaining 3-\$1 stamps, 1-50¢ stamp, 1-10¢ stamp, 1-5¢ stamp, and 1-2¢ stamp, and then waiting while the customer affixed the stamps, and then canceling the stamps, and then affixing a "00" PVI strip to cover the aviation security requirement.

DBP/USPS-576 Please refer to your response to Interrogatory DFC/USPS-T38-17. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-577 Please refer to your response to Interrogatory DFC/USPS-T38-18. [a] Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

[b] Please advise whether the "further consideration" refers to action that will be taken in this Docket or in some future, yet to be filed, Docket.

[c] Please confirm, or explain if you are unable to confirm, that even if Bound Printed Matter is considered as a "commercial offering", there will still be a number of instances which will still require the services of the retail window.

DBP/USPS-578 Please refer to your response to Interrogatory DFC/USPS-66. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-579 Please refer to your response to Interrogatory DFC/USPS-68. Please provide the requested information. It is up to the proponent of the Interrogatory to determine whether or not to present the "popularity contest" argument once the data has been received.

DBP/USPS-580 Please refer to your response to Interrogatory DBP/USPS-483. Please advise the significance and consequences to the mailer by the condition that you refer to as "the service will not be offered at retail window."

DBP/USPS-581 Please refer to your response to Interrogatory DBP/USPS-484. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-582 Please refer to your response to Interrogatory DBP/USPS-485.

Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-583 Please refer to your response to Interrogatory DBP/USPS-486. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-584 Please refer to your response to Interrogatory DBP/USPS-487. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-585 Please refer to your response to Interrogatory DBP/USPS-419. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-586 Please refer to your response to Interrogatory DBP/USPS-420. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-587 Please refer to your response to Interrogatory DBP/USPS-421. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-588 Please refer to your response to Interrogatory DBP/USPS-422. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the

present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-589 Please refer to your response to Interrogatory DBP/USPS-423. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-590 Please refer to your response to Interrogatory DBP/USPS-424. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-591 Please refer to your response to Interrogatory DBP/USPS-425. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-592 Please refer to your response to Interrogatory DBP/USPS-426. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-593 Please refer to your response to Interrogatory DBP/USPS-428. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-594 Please refer to your response to Interrogatory DBP/USPS-429. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would

appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-595 Please refer to your response to Interrogatory DBP/USPS-431. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-596 Please refer to your response to Interrogatory DBP/USPS-432. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-597 Please refer to your response to Interrogatory DBP/USPS-433. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

DBP/USPS-598 Please refer to your response to Interrogatory DBP/USPS-434. Since the Postal Service is just beginning the process of examining how to implement the changes necessary to effectuate its plans reflected in revised footnote 2 of USPS-T-38, I would appreciate receiving a response to the original Interrogatory that was asked and not make an assumption that the revised footnote 2 filed on August 10, 2006 will moot the need for a response to the Interrogatory. Please respond to the original Interrogatory and advise the present status of the plans and please provide updates to the plans until either the final plans have been arrived at or the record in this Docket has been closed.

The Postal Service objects to these Interrogatories on the grounds of that they are inappropriate follow-up and are cumulative.

The Postal Service believes that their indication that they will now allow mailers to pay the postage on single-piece Bound Printed Matter by means of postage stamps will excuse them from answering the various Interrogatories. Unfortunately, this change in the proposal raises more questions than answers. The necessity of asking these follow-up interrogatories was caused by the requirement that they be asked within the 7-day time period. Many of the Interrogatories [DBP/USPS-583 through 598] sought information, in part or in whole, on existing conditions as opposed to what would exist under the proposed regulations. This information is needed to be able to compare the changes once the Postal Service decides on how it will implement the program.

The other Interrogatories were basically responded to by stating that the information is not yet available.

With respect to Interrogatory DBP/USPS-579, the Postal Service stated that the analysis has not been performed. Without stating the burden that might be required, the analysis should be performed.

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 21, 2006
