

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

EXPERIMENTAL PRIORITY MAIL FLAT-RATE
BOX, 2004

Docket No. MC2004-2

OBJECTIONS OF THE UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OF DAVID B. POPKIN
(August 6, 2004)

In accordance with Rule 26 of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby files this notice of its objections to the following interrogatories, filed on July 27, 2004: DBP/USPS-7-9.

The interrogatories are as follows:

DBP/USPS-7 Does the United States Postal Service believe that mailers, both sophisticated and unsophisticated, should be able to make educated decisions about their use of the various services provided by the Postal Service, including weight-zone and flat-rate Priority Mail, that will be in their own best interests? If not, please explain the reasons for this belief.

DBP/USPS-8 Does the United States Postal Service believe that mailers, both sophisticated and unsophisticated, will require sufficient information about the various rates and mailing criteria in order to be able to make educated decisions about their use of the various services provided by the Postal Service, including weight-zone and flat-rate Priority Mail, that will be in their own best interests? If not, please explain the reasons for this belief.

DBP/USPS-9 [a] Does the United States Postal Service believe that it has an obligation to provide sufficient information about the various rates and mailing criteria to mailers, both sophisticated and unsophisticated, in order to allow them to be able to make educated decisions about their use of the various services provided by the Postal Service, including weight-zone and flat-rate Priority Mail, that will be in their own best interests? [b] If not, please explain the reasons for this belief. If so, please provide the details of the methods that are utilized by the Postal Service to fulfill this obligation. Please specify which of the methods will be utilized with respect to the flat-rate Priority Mail rate and service.

With the exception of the substitution of “the Postal Service” for “you” in each question, these interrogatories are very similar to questions posed in interrogatory DBP/USPS-T1-12 to witness Scherer, which were answered on July 27, 2004, and in interrogatory DBP/USPS-T1-5d, answered on July 7, 2004. Since these questions essentially have already been asked and answered by a Postal Service witness, the Postal Service objects to their reiteration as cumulative, redundant and duplicative. Mr. Popkin already has received answers to his questions, and should not be allowed to re-ask them multiple times. If Mr. Popkin feels that the answers he received to his earlier questions were incomplete or not responsive, he had the option of filing follow-up questions or a motion to compel. Asking the same questions again to the Postal Service or another witness is not appropriate.

Furthermore, if Mr. Popkin expects that answers provided by the Postal Service would differ substantially from or contradict those already provided by a Postal Service witness, his expectation is misplaced. Thus, these questions are not reasonably calculated to lead to the production of admissible evidence.

Finally, although the Postal Service did not object to these questions in their prior iteration, they are objectionable for additional reasons. First, to the extent they require definition of the Postal Service’s obligations and duties, they call for legal conclusions and are argumentative. Second, the questions are vague and insufficiently specific. Each question is replete with undefined terminology, including references to “sophisticated” and “unsophisticated” mailers, “sufficient information,” “educated decisions” and “in their own best interests”. Thus, if the Postal Service ultimately were

to provide simple affirmative answers, it would be unclear what those answers might mean. Even the term "obligation" is insufficiently defined. If the term does not refer to legal obligations, it is unclear upon what basis the question is to be answered.

For the foregoing reasons, the Postal Service objects to interrogatories DBP/USPS-7-9.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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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.

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