

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Evolutionary Network Development
Service Change

Docket No. N2006-1

PRESIDING OFFICER'S RULING
ON DAVID B. POPKIN MOTION TO COMPEL
RESPONSE TO DBP/USPS-30

(Issued March 22, 2006)

This ruling concerns the portion of a motion¹ filed by David B. Popkin on March 7, 2006, which seeks to compel the Postal Service to respond to his interrogatory DBP/USPS-30. That interrogatory, which follows up the Service's responses to DBP/USPS-11 and 12, seeks "any reports which show the actual delivery time for Standard Mail, Periodicals, and/or Package Services mail destined to, from, or within Alaska, Hawaii, or other offshore destinations." The Postal Service objected to this interrogatory on the grounds of irrelevance and commercial sensitivity.²

In his motion, Mr. Popkin cites a portion of the Postal Service response to DBP/USPS-11 as indicating that, although there are service standards for Periodicals and Standard Mail sent to Alaska, Hawaii, and other offshore destinations, "nothing says that they actually achieve them."³ On this basis, Mr. Popkin characterizes the published service standards as potentially "false and misleading information[.]" and

¹ David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-3, 6, 18, 19, and 30, March 7, 2006 (Motion to Compel).

² Objections of the United States Postal Service to David Popkin Interrogatory DBP/USPS-30, March 1, 2006.

³ Motion to Compel at 4.

submits that the Service should provide the requested reports on actual delivery performance to indicate whether the published standards have any validity.⁴

In a Reply⁵ filed on March 16, the Postal Service reiterates its earlier denial that the requested information is relevant or has any material bearing on the Commission's evaluation of its Evolutionary Network Development strategy that is the subject of this proceeding. Further, the Service represents that it lacks the means to ascertain the degree to which its Periodicals or Standard Mail service standards are achieved for any specific ZIP Codes.⁶ Finally, the Postal Service argues that any responsive information that could be derived from existing data systems would consist of point-to-point transit data that is commercially sensitive, and thus privileged.⁷

I shall deny Mr. Popkin's motion as to this interrogatory. I agree with the Postal Service that the service performance data for mail destined to these remote locations—to the extent they exist at all—are of no discernible relevance to the Commission's evaluation of the Postal Service proposal in this case. Inasmuch as the requested information lacks relevance, it is unnecessary to rule on the Postal Service's claim of commercial sensitivity and privilege.

⁴ *Id.* at 5.

⁵ United States Postal Service Reply in Opposition to David Popkin Motion to Compel a Response to Interrogatory DBP/USPS-30, March 16, 2006 (Reply). Accompanying its Reply was a Motion for Late Acceptance of the Reply, which explained that its tardiness resulted from the press of business and the unavailability of required personnel. Because no party would be prejudiced by granting this requested relief, this motion shall be granted.

The Service also filed errata to its Reply on the following day. United States Postal Service Notice of Errata in Opposition to David Popkin Motion to Compel a Response to Interrogatory DBP/USPS-30, March 17, 2006.

⁶ Reply at 4.

⁷ *Id.* at 4-7.

RULING

The David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-3, 6, 18, 19, and 30, is denied as to DBP/USPS-30.

Dawn A. Tisdale
Presiding Officer