

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-
62, 65 and 79-80

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

June 27, 2006

Respectfully submitted,

R20061MTC1

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

On June 5, 2006, I submitted Interrogatories DBP/USPS-62, 65, and 79-80. On June 15, 2006, the Postal Service filed an objection to those interrogatories. These four interrogatories are all similar in nature and will be dealt with together.

The interrogatories read as follows:

DBP/USPS-62 Please provide a copy of the EXFC dropper instructions referred to in the last sentence of the first paragraph of Section B.2 of USPS-LR-L-134.

DBP/USPS-65 Please provide a copy of the EXFC reporter instructions referred to in the last sentence of Section C.2 of USPS-LR-L-134.

DBP/USPS-79 Please provide a copy of the PETE dropper instructions referred to in the last sentence of the first paragraph of Section B.2 of USPS-LR-L-134.

DBP/USPS-80 Please provide a copy of the PETE reporter instructions referred to in the last sentence of the first paragraph of Section C.2 of USPS-LR-L-134.

The Postal Service bases its Objection on the following points:

Instructions sought by this interrogatory were developed by a contractor and are considered proprietary by both the Postal Service and the contractor. They are marked confidential in accordance with 18 U.S.C. § 1905. The Postal Service does not release this information internally to prevent manipulation of the system. The Postal Service does not release this information externally because public disclosure would risk duplication of the contractor's process by its competitors. In addition, the instructions are relevant to any of the rate or classification issues in this docket.

The Postal Service has placed a copy of the EXFC Transit Time Measurement System, Materials Responsive to Interrogatory DPB/USPS-18 [sic] as Library Reference USPS-LR-L-134. Pages 10 through 14 contain the Definition, Distribution, Recruitment, Training, and Responsibilities of both the Dropper Panel and Reporter Panel of the First-Class Mail EXFC Program and Pages 29 to 32 contain similar information for the Priority Mail PETE Program.

My perception is that the requested instructions merely contain a paraphrasing of the material contained in the already released Library Reference and therefore are already in the public domain. I also find it hard to believe that these instructions which are distributed to hundreds or thousands of Droppers and Reporters are marked Confidential under the provisions of 18 U.S.C. § 1905. That Section of the United States Code seems to be an "overkill" if it is so marked.

Furthermore, the Postal Service claims that release of this information will result in manipulation of the system. This is an unsubstantiated claim. There does not appear to be any information that could be contained in these instructions that is not already released in the Library Reference.

Similarly, the contractor's process is already contained in the Library Reference.

Finally, in the last sentence of each of the four objections, the Postal Service agrees that the instructions are relevant to the rate and classification issues in this docket. I agree that they are relevant since they relate to the evaluation of the value of service of both First-Class Mail and Priority Mail.

While I do not agree that an *in camera* review by the Commission or Protective Conditions or redaction of information not already in the public domain would be appropriate for these

requested Instructions since they appear to contain information that is already in the public domain, the Postal Service has not offered to do so.

For the reasons stated, I move to compel responses to the referenced interrogatories since they are 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 June 27, 2006
