

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

Evolutionary Network Development
Service Changes

Docket No. N2006-1

PRESIDING OFFICER'S RULING ON
DAVID B. POPKIN MOTION TO COMPEL
RESPONSE TO INTERROGATORY
DBP/USPS-60

(Issued July 14, 2006)

This ruling concerns a motion¹ filed by David B. Popkin on July 5, 2006, which seeks to compel the Postal Service to respond to his interrogatory DBP/USPS-60. Mr. Popkin submitted the interrogatory to the Postal Service on March 24, 2006; under the rules of practice, the Service's response became due on April 7, 2006. The Postal Service has yet to file a response, or to object to the interrogatory. However, in its second notice regarding the status of outstanding discovery responses, the Service states that it "continues to determine how to produce information responsive to DBP/USPS-60."²

The subject of Mr. Popkin's motion is an interrogatory that refers to the response to DBP/USPS-54, which refers to the response to DBP/USPS-32, which in turn refers to the response to DBP/USPS-14. In its response to DBP/USPS-14, the Postal Service

¹ David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-60, July 5, 2006 (Motion to Compel).

² Second Notice of the United States Postal Service Regarding the Status of Outstanding Discovery Responses, June 21, 2006, at 2.

furnished a list of 346 mail processing facilities throughout the United States.³ The response to DBP/USPS-32 disclosed that the list of 346 Processing and Distribution Centers/Facilities is not a comprehensive listing of all facilities at which mail processing occurs, as some forms of mail processing can take place in locations subordinate to a plant, such as a post office or an annex to a plant. DBP/USPS-54 requests a complete listing of all facilities that process mail for a collection of post offices. The Postal Service produced a list of more than 1,900 postal facilities that house mail processing equipment, which it says process more than 98 percent of mail volume distributed through the mail processing network.

DBP/USPS-60 requests a variety of information vis-à-vis the more extensive listing provided in response to DBP/USPS-54: the date of its issuance (and a newer list if more than six months old); explanation of any previously unexplained abbreviations used; the order in which the listings appear (and a listing in order of the facilities' ZIP Codes, if no other order applies); an explanation why Mr. Popkin's local post office in Englewood NJ 07631 appears on the list, when it is his understanding that Englewood has not had mail processing equipment in some time; and for each of the more than 1,900 facilities, the detailed information requested in DBP/USPS-14, to wit: type of facility, name of facility, city and state in which it is located, and ZIP Code range of the mail processed in the facility.

In his motion, Mr. Popkin asserts that the Postal Service's failure to respond promptly has delayed litigation of this case and foreclosed opportunities to file follow-up interrogatories that a response may have triggered. Now that discovery has ended, he states, his efforts are limited to filing only those discovery requests that strictly meet the requirements of the rules of practice, if the procedural schedule allows.⁴

Under the Commission's rules, replies to Mr. Popkin's motion were due on Wednesday, July 12, 2006. No participant filed a response by that date.

³ This list and additional requested information regarding the identified mail processing facilities were the subjects of a ruling on an earlier motion to compel by American Postal Workers Union. See Presiding Officer's Ruling No. N2006-1/9, May 18, 2006.

⁴ Motion to Compel at 1-2.

DBP/USPS-60 requests what may be a daunting amount of highly detailed information concerning a very large number of postal facilities. Judging from the Postal Service's statement in the second report on the status of outstanding discovery responses, it seems to be at an impasse as to how to go about preparing a complete answer. Obviously, the Postal Service should have provided some kind of response to this interrogatory on a timely basis; if not a complete response, then at least a partial answer and a statement as to the remaining information requested.

At this point, however, the Postal Service should provide as much of a response as is feasible. For example, subsections (d), (e), and (g) pose sufficiently narrow questions that answers should be feasible. The Postal Service shall provide responses to these subsections, together with a statement as to the feasibility of providing the information requested in the rest of the interrogatory, by July 21, 2006.

RULING

The David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-60, filed July 5, 2006, is granted, as specified in the body of this ruling.

Dawn A. Tisdale
Presiding Officer