

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

Postal Rate and Fee Changes

Docket No. R2005-1

PRESIDING OFFICER'S RULING
ON DOUGLAS F. CARLSON MOTION TO COMPEL
RESPONSE TO INTERROGATORY

(Issued May 26, 2005)

On May 16, 2005, Douglas F. Carlson filed a motion to compel a response to a portion of his interrogatory DFC/USPS-21.¹ The pertinent section reads as follows:

- c. Please confirm that data from the Collection Box Management System (CBMS) reflects data available at the headquarters level and that this data may have differed from the data maintained in the CBMS at the district level. If you do not confirm, please explain.

The Postal Service objected to this request on the grounds that it seeks a level of operational detail that is irrelevant and immaterial in this proceeding, and would impose a burden that is undue in light of the Service's earlier efforts to furnish kindred information on letter boxes in response to interrogatories of David B. Popkin.²

In his motion, Mr. Carlson claims that the Postal Service has failed to make a full and clear statement of its objection to this section of the interrogatory as an independent discovery request, in contravention of § 26(c) of the rules of practice. He

¹ Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatory DFC/USPS-21(c), May 16, 2005.

² Objections of the United States Postal Service to Interrogatories of Douglas F. Carlson (DFC/USPS-20-21), May 2, 2005, at 2-4.

further argues that the request is relevant and reasonably calculated to lead to the discovery of admissible evidence, inasmuch as it represents an effort to evaluate independently the accuracy of relevant collection box data provided by the Service in response to Mr. Popkin's interrogatory DBP/USPS-1. According to Mr. Carlson, data on the number of collection boxes bear on the value of Express Mail and First-Class Mail service, and thus are relevant to issues in this proceeding. The purpose of his inquiry, he states, is to test his belief that CBMS data at the headquarters level are less current than such data at the district level, and thus may not reflect current conditions. This inquiry is germane, he asserts, citing a ruling in Docket No. R97-1 for the principle that the "reliability or accuracy of relevant data is nearly always relevant."³

In an Opposition⁴ filed on May 23, the Postal Service characterizes Mr. Carlson's discovery request as an "extraneous follow-up" to Mr. Popkin's request for data on collection boxes, regarding which the Service notes it "did not waive its objection that the data requested lack fundamental relevance to the matters at issue before the Commission."⁵ The Service asserts that neither a "yes" nor "no" answer to the question at issue would affect the Commission's resolution of material issues in this case. Further, the Service claims that Mr. Carlson's only possible purpose in seeking a response is exploration of potential differences between national and district data, with a possible view towards seeking district data. The Service reiterates its objection that such potential differences are irrelevant, as information from the national database is of sufficient reliability for the purpose of setting nationwide postal rates.

Notwithstanding the potential merits of the Service's arguments regarding other inquiries not at issue in this controversy, I shall grant Mr. Carlson's motion. As Mr. Carlson notes, the dispute here is limited to a single subpart of his interrogatory DFC/USPS-21 considered as a free-standing discovery request. Whatever probative

³ Douglas F. Carlson Motion to Compel, *supra*, at 2, quoting Presiding Officer's Ruling R97-1/89, January 27, 1998, at 3.

⁴ Opposition of the United States Postal Service to Motion to Compel of Douglas F. Carlson Regarding DFC/USPS-21(c), May 23, 2005.

⁵ *Id.* at 1.

value any particular results may have, the data contained in the Collection Box Management System potentially bear on the value of services that rely on collection boxes for acceptance. A question regarding potential differences in the data available at different levels of Postal Service organization appears to be reasonably calculated to lead to the production of information that might reflect on the reliability or accuracy of any given data set. Consequently, under the principle invoked by Mr. Carlson, the inquiry is appropriate. Further, given the nature of the response called for, I find that producing an answer would not impose any undue burden on the Postal Service.

RULING

The Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatory DFC/USPS-21(c), filed May 16, 2005, is granted.

George Omas
Presiding Officer