

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

Postal Rate and Fee Changes

Docket No. R2005-1

PRESIDING OFFICER'S RULING
GRANTING DAVID B. POPKIN MOTION
FOR RECONSIDERATION OF RULING
ON INTERROGATORY DBP/USPS-198

(Issued August 10, 2005)

On August 1, 2005, David B. Popkin filed a motion for reconsideration of the portion of Presiding Officer's Ruling No. R2005-1/59 that dealt with his motion of July 12, 2005, to compel a response to his interrogatory DBP/USPS-198.¹ In his Motion, Mr. Popkin explains that the Postal Service's failure to file a timely response to this interrogatory led him initially to file a motion to compel its production on the basis of tardiness. However, in light of the Service's subsequent objection to the interrogatory, he elected to include it in a separate motion to compel filed on July 27, 2005.² Inasmuch as the ruling on his initial motion to compel did not consider the argument he presents in support of his separate motion, Mr. Popkin asks that the initial determination on this interrogatory be reconsidered. The Postal Service has not responded to this request.

¹ David B. Popkin Motion to Request Reconsideration of Presiding Officer's Ruling No. R2005-1/59 with Respect to Interrogatory DBP/USPS-198, August 1, 2005 (Motion).

² David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-198, 241 to 243, 264, and 274, July 27, 2005.

In the interest of procedural fairness to all participants, I shall grant the Motion. Mr. Popkin's arguments in favor of compelling a response to DBP/USPS-198 will be considered in a forthcoming ruling on his motion of July 27, 2005. Should the Postal Service wish to reply to Mr. Popkin's renewed motion, that response is due on August 15, 2005.

RULING

1. The David B. Popkin Motion to Request Reconsideration of Presiding Officer's Ruling No. R2005-1/59 with Respect to Interrogatory DBP/USPS-198, filed August 1, 2005, is granted.
2. Any response by the United States Postal Service to Mr. Popkin's motion to compel a response to DBP/USPS-198 shall be filed by August 15, 2005.

George Omas
Presiding Officer