

PRESIDING OFFICER'S  
RULING NO. R2005-1/75

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 POPKIN MOTION TO COMPEL

(Issued September 8, 2005)

A David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-260 and 261 (Motion) was filed August 3, 2005. An Opposition of the United States Postal Service to Popkin Motion to Compel Regarding DBP/USPS-260-261 (Opposition) was filed August 10, 2005.

The interrogatories in question seek to follow up DBP/USPS-203, which was a follow-up to OCA/USPS-119. The questions seek information on how specific Postal Service actions are expected to reduce the incidence of missed collections. The Motion claims this information is relevant to the value of First-Class Mail service as measured by the EXFC program. The Opposition claims there is no nexus between these questions and material issues before the Commission in this case as they seek details on postal operations that have no bearing on the pending rate request.

The Motion to Compel is denied. The level of service actually received by mailers is relevant to the value of service of the classes of mail; however, the likelihood that specific operational steps were expected to be successful in reducing incidents that might have a harmful impact on service actually received are not relevant. Mr. Popkin has not shown that DBP/USPS-260 seeks information that will have any bearing on an

issue in this case. Similarly, DBP/USPS-261 relates to a system which has been superseded, and Mr. Popkin has not shown that it seeks information that will have any bearing on an issue in this case.

#### RULING

The David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-260 and 261 is denied.

George Omas  
Presiding Officer