

PRESIDING OFFICER'S
RULING NO. R2005-1/77

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 9, 2005)

A David B. Popkin Motion to Compel Response to Interrogatories DB/USPS-283 and 300-302 (Motion) was filed on August 15, 2005. An Opposition of the United States Postal Service to David B. Popkin Motion to Compel Responses to Interrogatories DBP/USPS-283(b)-(f), 300-302 (Opposition) was filed on August 22, 2005.

The Motion is denied. Interrogatory DBP/USPS-283 seeks to follow up on the Postal Service response to DFC/USPS-76 which sought to develop information on the number of ZIP Codes that would receive next day service for Express Mail posted on a week day and a Saturday from an average origin ZIP Code. The Postal Service responded to DBP/USPS-283(a) that it chose geographically diverse offices as the basis for its response to DFC/USPS-76. It objected to the remaining five subparts, which sought information on internal Postal Service office-size categories, on the grounds of improper follow up and relevance.

The Motion contends that information on the size of the offices used in the response to DFC/USPS-76 will show the information provided in that response was developed from large offices. It further contends that, as the purpose of the question

was to provide insight into the difference between available Express Mail service on week days and Saturdays, this information is relevant.

DFC/USPS-76 did not specify that any particular size of “average” office should be used to develop the requested information. The question sought information about one, “average” office, and the Postal Service provided information about 10 geographically disparate offices. The information now sought by Mr. Popkin is not proper follow up and Mr. Popkin has not shown that the information sought will have any bearing on an issue in this case.

Interrogatories DBP/USPS-300 and 301 seek information on tallies used in preparing DBP/USPS-234. The Postal Service objects on the basis of relevance and burden. The tallies in question are apparent outliers. Mr. Popkin has not shown that additional information on these two tallies would be likely to lead to the development of relevant or material evidence. Therefore, the Motion is denied as to DBP/USPS-300 and 301.

DBP/USPS-302 purports to follow up on DBP/USPS-82(b), and requests information on how Express Mail delivery standards appear in several Postal Service data bases. The Postal Service objects that this information is not relevant to issues before the Commission in the pending rate case. Mr. Popkin provides no explanation of how the information requested properly follows up on the response to DBP/USPS-82(b), which sought information on when Express Mail should be considered “delivered”. The Motion contends solely “[t]his is a basic piece of information relative to the value of service of this class of mail.” While information on how the Postal Service informs Express Mail users of the service they will receive is relevant to value of service, this interrogatory is not proper follow up, and production of the requested information does not seem likely to lead to the production of admissible evidence.

RULING

The David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-283 and 300-302 is denied.

George Omas
Presiding Officer