

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

Six-Day to Five-Day Street Delivery
and Related Service Changes

Docket No. N2010-1

PRESIDING OFFICER'S RULING
DENYING, IN PART, DAVID B. POPKIN MOTION TO
COMPEL RESPONSE TO INTERROGATORY DBP/USPS-25

(Issued May 18, 2010)

On April 13, 2010, David B. Popkin (Popkin) filed 26 institutional interrogatories seeking discovery from the Postal Service.¹ On April 23, 2010, the Postal Service objected to a sole interrogatory, DBP/USPS-25, which sought a listing, by name and ZIP Code, of all city delivery post offices that have been granted a waiver from the requirement to have a weekday collection time of 5:00 p.m. or later or a Saturday collection time of 1:00 p.m. or later.² The Postal Service objected to the interrogatory on the grounds that the information sought is not relevant to this docket, and the names of the post offices are immaterial.³

¹ Interrogatories of David B. Popkin to the United States Postal Service [DBP/USPS-1 through 26], April 13, 2010.

² Objection of the United States Postal Service to Interrogatory of David B. Popkin to the United States Postal Service (DBP/USPS-25), April 23, 2010.

³ The Postal Service initially made an argument that answering the interrogatory would impose an undue burden on the Postal Service's limited resources; however, the Postal Service later withdrew this argument.

Popkin filed a motion to compel the Postal Service to respond to interrogatory DBP/USPS-25 on May 6, 2010.⁴ Popkin states that DBP/USPS-25 is relevant to this docket because elimination of Saturday dispatch could delay mail deposited in a blue collection box by up to three days if that box has been granted a waiver from close of business pickup. *Id.* at 2. Popkin further claims that the names of the post offices are material because the distribution of blue collection boxes granted a waiver could impact a customer's ability to obtain service. *Id.* at 3.

The Postal Service filed in opposition to the Motion to Compel on May 13, 2010.⁵ The Postal Service contends that because this docket is established to examine a Postal Service plan to eliminate or reduce certain operations on a national scale, individual post office names are immaterial. The Postal Service also states that site-specific information is not necessary for Popkin to make his arguments concerning First-Class Mail delay, and that the Postal Service could provide national cumulative data in response to his question, which would allow all parties to address the potential consequences of moving to five-day delivery on a national scale.

A motion to compel a response to an interrogatory is initially evaluated against a standard of whether or not an interrogatory "appears reasonably calculated to lead to the discovery of admissible evidence" relevant to the subject matter of the proceeding. 39 CFR 3001.26(a). Popkin does not present a persuasive argument that the name and location of every post office blue collection box granted a waiver from close of business collection is pertinent to this docket, nor is such information likely to be material evidence. The information sought by DBP/USPS-25 is only tangentially relevant, as a microcosm of the Postal Service's nationwide plan.

However, information of a similar nature, provided on a nationwide cumulative basis, would likely be pertinent to this proceeding. Nationwide cumulative data would

⁴ David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-25, May 6, 2010 (Motion to Compel).

⁵ Opposition to David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-25, May 13, 2010.

allow parties to examine the possible delay of mail lodged in blue collection boxes that are not serviced at the close of business on Friday in a five-day delivery environment. The Postal Service has expressed a willingness to provide this information in response to DBP/USPS-25.

The Postal Service, therefore, is directed to file a response to DBP/USPS-25 with nationwide cumulative data. The Postal Service need not provide a listing of the name and ZIP Code of each office granted a waiver.

RULING

The David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-25, filed May 6, 2010, is denied in part, consistent with the body of this Ruling.

Ruth Y. Goldway
Presiding Officer