

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 DAVID B. POPKIN MOTION TO
COMPEL RESPONSE TO INTERROGATORY DBP-USPS-21

(Issued May 20, 2010)

On April 13, 2010, David B. Popkin (Popkin) filed, among others, interrogatory DBP-USPS-21.¹ On April 28, 2010, the Postal Service answered DBP-USPS-21, which sought information on costs and cost savings for various alternative Saturday delivery, collection and processing scenarios contrived by Popkin.² The Postal Service responded to the bulk of Popkin's interrogatory, but for subparts (c) through (m) of DBP-USPS-21, responded that it does not have the operational and cost analysis necessary to estimate Popkin's alternate service scenarios. *Id.* at 29-30.

Popkin filed a motion to compel the Postal Service to respond to interrogatory DBP/USPS-21 on May 11, 2010.³ Popkin notes that participants are entitled to develop evidence concerning potential savings for different levels of Saturday service. *Id.* at 5.

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

² Responses of the United States Postal Service to Popkin Interrogatories DBP/USPS-1-24 and 26-28, April 28, 2010, at 29-31.

³ David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-21, May 11, 2010 (Motion to Compel).

However, Popkin's interrogatory seeks to have the Postal Service develop cost and cost savings estimates for various scenarios contrived by Popkin. *Id.* at 1-2.

The Postal Service filed in opposition to the Motion to Compel on May 18, 2010.⁴ The Postal Service notes that the information Popkin seeks does not exist. *Id.* at 3. Further, the Postal Service states that the Popkin Motion to Compel "borrows very liberally from a similar motion filed by Mr. Carlson the previous day...." *Id.*

The underlying issues raised in the Motion to Compel were decided in a previous ruling.⁵ For the reasons discussed in P.O. Ruling N2010-1/4, this Motion to Compel is denied.

RULING

The David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-21, filed May 11, 2010, is denied.

Ruth Y. Goldway
Presiding Officer

⁴ Opposition of the United States Postal Service to Popkin Motion to Compel a Further Response to DBP/USPS-21, May 18, 2010.

⁵ See Presiding Officer's Ruling Denying Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to DFC/USPS-T4-14, May 19, 2010 (P.O. Ruling N2010-1/4).