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PRESIDING OFFICER'S
RULING NO. R2000-1/65

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Postal Rate and Fee Changes

Docket No. R2000-1

RULING DENYING DAVID B. POPKIN'S
APRIL 25TH MOTION TO COMPEL

(Issued May 18, 2000)

On April 25, 2000, David B. Popkin filed a motion to compel responses to DBP/USPS-135 and 136, which request certain information concerning the operations of Mail Boxes, Etc. (MBE) Contact Stations.¹ The Postal Service objects, arguing that the information sought is irrelevant.² In its reply to the motion, the Postal Service addresses Mr. Popkin's central concern, noting that, by contract, MBE Contract Stations may not charge rates (or fees) for postal goods and service other than as set forth in the Domestic Mail Manual.³ The motion is denied.

In response to DBP/USPS-4, the Postal Service filed Library Reference LR-I-231, which is described as a standard contract used for the MBE pilot program. DBP/USPS-135 focuses on the General Requirements section of that contract, requesting, *inter alia*, the Postal Service to define certain terms, such as "value added services," and to categorize an array of interactions with the public as either a postal service, value added service, or transaction fee. Mr. Popkin argues that "[t]his interrogatory is attempting to find out the extent to which MBE Contract Stations have

¹ Motion to Compel Responses to Interrogatories DBP/USPS-135-136 [and] Notification of Unanswered Interrogatories DBP/USPS-103, 104, and 127(b), April 25, 2000 (Motion). Subsequently, the Postal Service filed responses to DBP/USPS-103, 104, and 127(b).

² Objection of United States Postal Service to Popkin Interrogatories DBP/USPS-135, 136, April 10, 2000.

³ Opposition of the United States Postal Service to Popkin Motion to Compel Responses to Interrogatories DBP/USPS-135, 136, May 2, 2000 (Opposition).

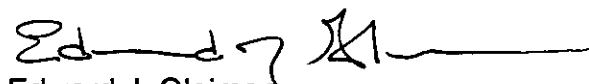
been authorized to charge rates over and above those that have been recommended by the Postal Rate Commission and approved by the USPS Board of Governors.”⁴ If that was the intent of the interrogatory, the General Requirements section of LR-I-231, which the Postal Service attached to its Opposition, provides the unequivocal answer: “The supplier may not increase or decrease the rates and fees established in the DMM for postal goods and services.”

A review of the interrogatory, however, reveals that it sought to explore more, namely, the basis on which MBE Contract Stations impose charges in excess of lawful postage rates and fees.⁵ This issue is irrelevant. The Commission has no jurisdiction over charges imposed by MBE Contract Stations for value added services or transaction fees. The Postal Service’s objection is sustained.

DBP/USPS-136 seeks a justification for the contractual provision that MBE Contract Stations be open a minimum of 60 hours per week. In his Motion, Mr. Popkin argues that this interrogatory “relates to the level of service and therefore the value of service of a significant number of postal facilities.” Motion at 2. The contention has no merit. The specific contract provision is irrelevant to issues before the Commission in this proceeding. The Postal Service need not respond.

RULING

David B. Popkin’s motion to compel responses to interrogatories DBP/USPS 135 and 136, filed April 25, 2000 and identified in footnote 1 above, is denied.


Edward J. Gleiman
Presiding Officer

⁴ Motion at 1. As support, Mr. Popkin relates an anecdotal incident concerning charges incurred at an MBE Contract Station.

⁵ For example, the interrogatory requests definitions for various contract terms, such as “value added services” and “transaction or handling fees.” The definitions are immaterial to issues before the Commission. As a practical matter, however, the contract plainly indicates that fees and charges for both value added services and transaction fees “must be separately assessed and clearly identified.” Hence, an MBE patron could easily determine that the charges for postage and fees were correct.