

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

POSTAL RATE AND FEE CHANGES, 2001

Docket No. R2001-1

OBJECTION OF UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OF DAVID POPKIN
(DBP/USPS-7-8)
December 5, 2001

The United States Postal Service hereby objects to interrogatories DBP/USPS-7-8, filed on November 26, 2001, on grounds of irrelevance and undue burden. In light of the history of these questions in omnibus cases, one wonders whether Mr. Popkin's propounding of them demonstrates the full measure of his respect for the Postal Rate Commission and the legal process.

DPB/USPS-7 inquires about a postmaster's burden of proof in establishing the presence of a need for Saturday retail service as opposed to establishing the absence of such a need. The identical interrogatory was propounded as DPB/USPS-22 in Docket No. R2000-1 (March 10, 2000). In that docket, the Postal Service objected, Mr. Popkin moved to compel, and the Presiding Officer ruled:

The Service also considers question 22 irrelevant, further noting that the "tenor ... makes it abundantly obvious that Mr. Popkin has an understanding of what the regulations are and how they operate; via this argumentative interrogatory he seeks a change in the regulation to shift the Postmaster's burden of proof regarding the provision of Saturday window service." Objection at 3. The Service notes that question 23 is similar to No. 19, except that it relates to post office services on Saturday, rather than operational collection practices. *Id.* at 4.

Decision. The nature of these questions [DPB/USPS-22 and 23] and the level of detail requested place these interrogatories outside the realm of appropriate discovery in this proceeding. Therefore, the Service

will not be required to provide a response.

Presiding Officer's Ruling R2000-1/56 at 5-6. Interrogatory OCA/USPS-7 has the same relevance to the instant proceeding.

DBP/USPS-8, with 8 parts to each of which Mr. Popkin seeks a confirmation, or an explanation and discussion, inquires into delivery and retail services at offices that do not offer Saturday window service. The identical question was propounded as DBP/USPS-23 in Docket No. R2000-1; as such the paragraphs quoted above also denied Mr. Popkin's motion to compel a response to this interrogatory.

The Presiding Officer's ruling with respect to DPB/USPS-19/R2000-1 (which was structurally similar to DBP/USPS-23/R2000-1 as noted in the first quoted paragraph, above) stated:

[M]atters of purely personal interest or concerning purely local conditions are often not relevant in an omnibus proceeding, and are therefore objectionable on that basis. Mr. Popkin has not shown sufficient nexus between the detail he requests, and the development of relevant evidence to warrant compelling answers.

Id. at 4. The same burden and relevance concerns then controlling still are today.

Wherefore, the Postal Service objects to interrogatories DBP/USPS-7 and 8.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

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