

RECEIVED

DEC 13 12 27 PM '01

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S  
RULING NO. C2001-3/12

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

Complaint on First-Class Mail Standards

Docket No. C2001-3

PRESIDING OFFICER'S RULING  
ON POPKIN MOTION TO COMPEL RESPONSE TO DBP/USPS-88

(Issued December 13, 2001)

At issue is DBP/USPS-88, a six-part question seeking confirmation (or an explanation) of numerous details concerning local collection practices and 17 outlier offices.<sup>1</sup> Pertinent filings include a formal objection, a motion to compel a response, and an opposition to the motion.<sup>2</sup>

*Local collection issues.* Subpart (a) asks whether all locally-determined posted collection times meet Postal Operations Manual (POM) requirements. Subpart (b) asks whether the final weekday collection time at the mailbox in front of the Ainsworth, Nebraska post office meets a specific POM requirement. Subpart (e) asks whether mail deposited in the Valentine, Nebraska collection box before 6 p.m. can be collected and processed by the 6:30 p.m. clearance time.

*Outlier offices.* Subparts (c), (d) and (f) primarily concern 17 outlier offices identified in the Service's response to a previous interrogatory. Subpart (c) asks for a list of 1-day, 3-day surface and 3-day air clearance times. Subpart (d) asks for the name of each associate post office; ZIP Code; city delivery status; and final weekday

---

<sup>1</sup> These are offices for which no 2-day or 3-day service standards have yet been made for originating mail, for reasons explained in the Service's responses to other interrogatories. Postal Service Opposition at 1.

<sup>2</sup> Objection of the United States Postal Service to Interrogatory DBP/USPS-88, November 26, 2001 (Postal Service Objection); Motion to Compel Response to Interrogatories DBP/USPS-88, November 28, 2001 (Popkin Motion to Compel); and Opposition of the United States Postal Service to Motion of David Popkin to Compel a Response to DBP/USPS-88, December 6, 2001 (Postal Service Opposition).

and Saturday collection times for the main post office collection box. Subpart (f) seeks confirmation that the clearance time for each outlier office's parent originating P&DC will be met.

*The Service's position.* The Service initially objected to this interrogatory (in its entirety) on grounds that it seeks irrelevant and unnecessary information. It argued that Mr. Popkin was seeking a level of "operational minutiae" that has absolutely no bearing on the issues in this complaint. Postal Service Objection at 2. Moreover, it maintained that no issues in this case turn on provision of rural or city delivery service to particular customers; noted that clearance times were not a factor in developing the service standard changes; pointed to possible confusion with Docket No. C2001-1 issues; and alluded to the expired discovery deadline in that docket.<sup>3</sup> The Service also contended, with respect to subpart (f), that providing confirmation "that things either do or do not always run according to plan" will not advance this docket. *Id.*

*Mr. Popkin's position.* In support of his motion, Mr. Popkin states that he is attempting to determine the extent to which the 17 outlier facilities are able to meet POM requirements related to entry of mail into the system. Popkin Motion to Compel at 1. He also says he is trying to determine the ability of the outlier offices to mesh (operationally) with their parent P&DCs requirements. He asserts that this is relevant to evaluating the service standards for mail originating at an outlier facility. *Id.*

*The Service's opposition.* The Service reiterates that question 88 is seeking operational minutiae. It also re-asserts that the question's relevance, if any, is to issues in Docket No. C2001-1. Postal Service Opposition at 1. In particular, the Service notes that subparts (a), (b) and (e) inquire about posted pick-up times on collection boxes, but contends that the service standard changes at issue in this docket were made without regard to them. Similarly, it says the applicability of sections 3661 and 3662 can be determined without regard to the Nebraska pick-up times and related POM policies. *Id.* at 1-2. With respect to clearance times, the Service reiterates that these had no influence in determining whether the service standards at issue in this proceeding would

---

<sup>3</sup> Docket No. C2001-1 concerns Sunday and holiday collections.

be 2 days or 3 days. *Id.* at 2 (citing P.O. Ruling No. C2001-3/3 at 2). As to subpart (f), where Mr. Popkin asks that the Service confirm that each outlier office will be able to meet the clearance times of its parent originating P&DC, the Service states that facility operating plans are designed in terms of a facility meeting its own clearance time, not that of another facility. *Id.* at 2-3.

With respect to Mr. Popkin's contention that he is attempting to determine the extent to which outlier facilities are able to meet the requirements of the POM, the Service emphasizes its conviction that he is pursuing this line of inquiry in the wrong docket. As to the stated interest in meshing operations, the Service says Mr. Popkin has failed to provide any basis for concluding that there is a nexus between the requested information and the resolution of issues in this complaint. *Id.* at 3.

*Discussion.* Disclosure of highly-specific operational details may be appropriate when postal policies are under consideration; therefore, questions directed at obtaining this information are not objectionable *per se*. However, among other things, the details sought must be relevant to the issues at hand. Against this standard, the two main purposes advanced in support of requiring the Service to provide the type of details sought in this interrogatory fall short of demonstrating a sufficient connection to the instant complaint. As the Service suggests, they are more closely associated with Docket No. C2001-1 issues.

In addition, assessing the consistency of the service standard changes at issue in this case can be made without regard to local collection times. With respect to detailed clearance time information, P.O. Ruling No. C2001-3/3 accepted the representation that clearance times did not influence the service standards at issue in this case. As to subpart (f), I accept the Service's statement that facility operating plans are designed so that a facility meets its own clearance time, not that of another facility. *Id.* at 2-3. In this sense, the explanation requested in lieu of confirmation has been provided.

Ruling

The Motion to Compel Response to Interrogatories DBP/USSP-88, filed November 28, 2001, is denied.

A handwritten signature in black ink, appearing to read "Ruth Y. Goldway". The signature is fluid and cursive, with the first name "Ruth" and last name "Goldway" being clearly legible.

Ruth Y. Goldway  
Presiding Officer