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POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

PRESIDING OFFICER'S
RULING NO. R2001-1/39

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

Postal Rate and Fee Changes

Docket No. R2001-1

PRESIDING OFFICER'S RULING ON
DAVID B. POPKIN MOTION TO COMPEL
RESPONSE TO INTERROGATORY DBP/USPS-84

(Issued January 18, 2002)

On December 21, limited participator David B. Popkin filed a motion¹ to compel the Postal Service to respond to his Interrogatory DBP/USPS-84. Citing the Service's response to OCA/USPS-235—which specifies delivery and pickup times for twenty postal facilities previously identified as not receiving daily deliveries of Express Mail—the interrogatory poses eight highly detailed additional questions concerning days of service, points of origin, modes of transportation, transit points on routes, and arrival and departure times. The Postal Service objected on the ground of relevance, asserting that the interrogatory's questions “are not relevant to any rate, fee or classifications proposals made by the Postal Service in this proceeding[.]” and stating that it “is at a loss to see how they might relate to any proposal that any intervenor might make in this proceeding.”²

In his motion, Mr. Popkin explains that the interrogatory is intended to clarify the data presented in the Service's response to the OCA interrogatory, and argues that “[I]f the data was relevant to respond to that interrogatory, it is relevant to clarify the data that was presented.” Motion at 1. He also submits that, in light of his citation to the OCA interrogatory response, it was unnecessary to reference his follow-up questions to

¹ David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-84, December 21, 2001.

² Objection of United States Postal Service to Interrogatory of David B. Popkin—DBP/USPS-84, December 17, 2001, at 2.

any “subclass of mail, rates or fees, or service standards...” *Ibid.* He also challenges the Service’s implication that the factual confirmations he seeks in the interrogatory are implicit in the Service’s response to OCA, stating that he has “learned that what I believe to be obvious, may not be obvious to the Postal Service.” *Ibid.*

In its response,³ the Postal Service argues that Mr. Popkin has failed to demonstrate the relevance of the information he requests. First, the Service disputes his premise that reference to a prior interrogatory response automatically establishes the relevance of a follow-up inquiry. Second, the Service asserts that the interrogatory’s questions overshoot Mr. Popkin’s expressed goal of “clarifying” the information in the answer to the OCA interrogatory, instead posing new questions regarding modes of transportation and points of origin. Finally, the Service argues that the interrogatory’s exploration of the minutiae of local postal operations is unrelated to any matter to be decided in this proceeding. Postal Service Opposition at 2.

I shall deny the motion to compel a response to this interrogatory. First, as the Postal Service correctly asserts, some of the questions posed therein surpass any reasonable understanding of “clarification” of the Service’s previous response, seeking additional transportation-related and other operational details that are outside the focus of the OCA’s interrogatory. Mr. Popkin has not identified any linkage between these facts and the issues the Commission is called upon to decide in this ratemaking proceeding; thus, their relevance is conjectural at best.

Some of the interrogatory’s requests to confirm the accuracy of factual statements are of this extraneous character. Other questions, as the Service suggests in its objection, may be answered by drawing straightforward inferences from the contents of the detailed response to the OCA interrogatory. In light of the fully detailed contents of that response and its apparent completeness, these requested clarifications are evidently unnecessary, and I shall not direct the Service to prepare a further response.

³ Opposition of United States Postal Service to David B. Popkin Motion to Compel a Response to Interrogatory DBP/USPS-84, December 28, 2001.

RULING

The David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-84, filed December 21, 2001, is denied.

A handwritten signature in black ink, appearing to read "George Omas". The signature is fluid and cursive, with the first name "George" written in a larger, more prominent script than the last name "Omas".

George Omas
Presiding Officer