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PRESIDING OFFICER'S  
RULING NO. C2001-3/17

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

Complaint on First-Class Mail Service Standards

Docket No. C2001-3

PRESIDING OFFICER'S RULING ON MOTION TO  
COMPEL RESPONSES TO DBP/USPS-106 AND DBP/USPS-111

(Issued February 4, 2002)

This ruling addresses two follow-up interrogatories from Mr. Popkin that are the subject of a motion to compel more responsive answers. Motion to Compel Response to Interrogatories That Have Not Been Fully Responded To, December 17, 2001 (Popkin Motion to Compel). The Postal Service opposes Mr. Popkin's motion. Opposition of the United States Postal Service to Motion of David Popkin to Compel Responses to DBP/USPS-106 and 111, December 21, 2001 (Postal Service Opposition).

*DBP/USPS-106 (follow-up to DBP/USPS-57(a)).* In question 57, Mr. Popkin asked for written guidelines on (or an explanation of) the criteria the Service now uses to translate the DMCS requirement for expeditious First-Class Mail handling and transportation (in § 252) into actual 1-, 2- or 3-day delivery standards. The Service responded by stating, among other things, that all postal operating procedures are geared, either explicitly or implicitly, to achieving the policies of the DMCS and applicable service standards. It also referred Mr. Popkin to USPS-LR-C2001-3/5. This library reference consists of Handbook M-22 (October 1994), Dispatch and Routing Policies.

In question 106, Mr. Popkin asked for a reference to specific pages in the handbook. The Service answered that it considers all portions of the manual that do not refer exclusively to another class of mail to be responsive to Mr. Popkin's inquiry. In his motion to compel, however, Mr. Popkin asserts that it is not responsive to be referred to

all or part of a 90-page manual, without also being given page or section references. Popkin Motion to Compel at 1.

The Service's position is that so much of Handbook M-22 applies to First-Class Mail routing and dispatch that it is reasonable to regard the entire document as responsive, except for those portions that refer exclusively to another mail class. Postal Service Opposition at 1. The Service further contends that many sections in the handbook pertain to dispatch and routing of mail generally and, therefore, would apply to First-Class Mail; that some sections are self-evidently not applicable to First-Class Mail; and that a table of contents is available. *Id.* at 1-2.

*Ruling.* Handbook M-22, to which the Service referred Mr. Popkin, is – as asserted – a 90-page document. It has been posted on the Commission's web site and can be easily accessed by anyone with internet service. This handbook not only contains a detailed table of contents, but also much information that applies to all mail, including First-Class Mail.<sup>1</sup> I agree with the Service's contention that the entire handbook can be deemed responsive to Mr. Popkin's inquiry. Accordingly, the Postal Service will not be required to cite specific pages in this instance.

*DBP/USPS-111 (follow-up to DBP/USPS-85(q), DBP/USPS-42 and DBP/USPS-18(b) and (c)).* In question 85(q), Mr. Popkin asked the Service to provide "the projected travel times between Atlanta and South Florida vs. Miami and between Montgomery and South Florida vs. Miami." In response, the Service stated: "Atlanta and Montgomery to South Florida = N/A. The Model does not flow between Atlanta or Montgomery to South Florida because South Florida is not an ADC. Atlanta to Miami = 12.1. Montgomery to Miami = 14.6."

In question 111, Mr. Popkin asserts that question 85(q) asks for the travel times between Atlanta and Montgomery and South Florida and Miami, and notes that no direction is specified. He then asks, in subpart (a), for the times "for South Florida to Atlanta and Montgomery" and, in subpart (b), for confirmation that the times for Miami to

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<sup>1</sup> On page 4 of Handbook M-22, for example, the table of contents readily shows that sections 162.3 and 162.4 address two-day and three-day delivery of First-Class Mail; on page 5, it shows that section 253 addresses three-day First-Class Mail.

Atlanta and Montgomery are the same as the reverse direction data provided. The Service's answer, relative to both subparts, was that all drive times used in the two- and three-day model have been provided in Excel spreadsheet format as part of USPS-LR-OCA-12B-1.xls. It also said that any drive times for origin/destination pairs not modeled can be estimated by a variety of means that do not require reliance on the Postal Service.

In his motion to compel, Mr. Popkin indicates that question 111 was an attempt to clarify his earlier question. He also asserts, among other things, that the data he has requested are relevant to the evaluation of the difference in service standards between South Florida and Miami. Popkin Motion to Compel at 2. In response to Mr. Popkin's motion, the Service states that it has provided all of the drive times between the origins and destinations in its 2-day/3-day transportation network model. It further explains that drive times between cities (and specific locations in those cities) can be estimated by using a variety of internet mapping services. Postal Service Opposition at 2. Moreover, the Service says that development of drive time estimates that are not part of its model do not depend on any information exclusively within the possession and control of the Postal Service. Accordingly, the Service does not believe it should be burdened with conducting field studies to measure distances and drive times of interest to Mr. Popkin. *Ibid.*

*Ruling.* Review of the Service's initial response to DBP/USPS-85(q) leaves the impression that it was a sincere attempt to address an inquiry that was less than a model of clarity. In fact, notwithstanding Mr. Popkin's apparently equally sincere belief that he was only attempting to "clarify the obvious" by rewording the question, DBP/USPS-111 falls short of that goal. At this point, little purpose would be served by pursuing clarification. Mr. Popkin can pursue his interest by consulting the spreadsheet the Service has made available as a library reference or other reference material.

However, in the interest of completing the record with respect to information the Service already has provided in response to question 85(a), I will ask, as Mr. Popkin has requested, that the Service confirm (or not) that the data it has provided concerning Atlanta and Montgomery to Miami is the same as the reverse direction.

#### RULING

1. Mr. Popkin's Motion to Compel Response to Interrogatories That Have Not Been Fully Responded To, filed December 17, 2001, is denied with respect to DBP/USPS-106.
2. Mr. Popkin's Motion to Compel Response to Interrogatories That Have Not Been Fully Responded To, filed December 17, 2001, is granted in part with respect to DBP/USPS-111, to the limited extent identified in the body of this ruling.

  
Ruth Y. Goldway  
Presiding Officer