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POSTAL RATE COMMISSION
OFFICE OF THE PRESIDING OFFICER

PRESIDING OFFICER'S
RULING NO. C2001-3/22

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 DBP/USPS-141

(Issued April 3, 2002)

This ruling addresses DBP/USPS-141, which is the subject of a Postal Service objection, a motion to compel a response filed by Mr. Popkin, and the Service's opposition thereto.¹

Mr. Popkin identifies question 141 as a follow up to question 136(a), which sought confirmation that Domestic Mail Classification Schedule (DMCS) § 252 "applies equally" to all three subclasses (Letters and Sealed Parcels, Cards and Priority Mail) noted in DMCS §§ 221.² The Service's answer to the earlier question was that the referenced section applies to all three subclasses, but implementation entails different sets of service standards for Letters and Cards, on the one hand, and Priority Mail, on the other. Responses of the United States Postal Service to Interrogatories of David Popkin (DBP/USPS-135, 136(a-c), 138 and 139), January 2, 2002. In question 141, Mr. Popkin asks for the justification for these implementation differences, given that the DMCS wording is the same.

Arguments. The Service objects to providing an answer to question 141 on grounds that since the service standards for Priority Mail are not at issue in this proceeding, Mr. Popkin seeks information that is irrelevant and unnecessary to

¹ Objection of the United States Postal Service to Interrogatory DBP/USPS-141 (Postal Service Objection), January 7, 2002; Motion to Compel Response to Interrogatory DBP/USPS-141 That Has Been Objected To (Popkin Motion to Compel), January 10, 2002; Opposition of the United States Postal Service to Motion of David Popkin to Compel a Response to DBP/USPS-141 (Postal Service Opposition), January 17, 2002.

² DMCS § 252 provides, in pertinent part, that First-Class Mail receives expeditious handling and transportation.

resolution of issues in this docket. It asserts that exploration of the development of the service standards for Priority Mail will not advance resolution of the questions before the Commission in this complaint.³ Postal Service Objection at 1. In support of his motion, Mr. Popkin contends that since the wording of the DMCS provisions on the handling of First-Class Mail applies equally to the three subclasses, the differences are relevant to this case and are necessary to fully evaluate the methods by which the service standards meet the DMCS requirements, which he considers an indication of statutory requirements. Popkin Motion to Compel at 1.

In opposing the motion, the Service observes that Mr. Popkin's argument here "appears to be identical in all substantial respects" to his argument in support of his motion to compel a response to DBP/USPS-136(d)-(f), which also deals with distinctions related to Priority Mail. The Service asserts that the arguments it advanced in opposition to the earlier motion also justify denial of this motion.⁴ Postal Service Opposition at 1. Those arguments primarily emphasize that the current case does not involve Priority Mail, so differences relative to the Letters and Sealed Parcels subclass and the Cards subclass have no bearing on the questions in this complaint. Opposition of the United States Postal Service to Motion of David Popkin to Compel a Response to DBP/USPS-136(d-f) and Reply to Comments Regarding DBP/USPS-137(m-o), January 10, 2002.

Ruling. Mr. Popkin's interest in the justification for different implementation policies is understandable, but this discovery dispute is logically governed by Presiding Officer's Ruling No. C2001-3/18, which held that the issues under consideration in this case can be fully evaluated without reference to Priority Mail. P.O. Ruling C2001-3/18 at 3. As stated in that ruling, sanctioning inquiries along the lines Mr. Popkin is

³ The Service characterizes these as whether (1) the service standard changes described in the complaint (affecting the Letters and Sealed Parcels and Cards subclasses) were implemented in a manner consistent with the requirements of section 3661 and (2) whether the resulting service (affecting the same two subclasses) complies with the policies of the Postal Reorganization Act, within the meaning of section 3662. Postal Service Objection at 1.

⁴ P.O. Ruling C2001-3/18 (issued February 4, 2002) agreed with the Service's position regarding the Priority Mail line of inquiry pursued in DBP/USPS-136(d)-(f) and denied Mr. Popkin's motion to compel a response.

interested in pursuing would be an unwarranted invitation to further complication and undue delay in resolving the central issues of this case, which do not pertain to Priority Mail. Accordingly, the Popkin Motion to Compel is denied.

RULING

David B. Popkin's Motion to Compel Response to Interrogatory DBP/USPS-141 That Has Been Objected To, filed January 10, 2002, is denied.


Ruth Y. Goldway
Presiding Officer