

PRESIDING OFFICER'S
RULING NO. C2001-3/33

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-146(f) through (k)

(November 21, 2002)

In six contested questions, David B. Popkin (Popkin) pursues numerous details related to the Postal Service's response to interrogatory DFC/USPS-GAN-62(b), which supplied the arrival times and mode of transportation for First-Class Mail shipments between San Diego, California and four named processing facilities.¹ See David B. Popkin Follow-up Interrogatories to the United States Postal Service (DPB/USPS-146), November 1, 2002; see *also* Responses of the United States Postal Service to Interrogatories of Douglas Carlson (DFC/USPS-61 and 62), October 30, 2002.

DBP/USPS-146(f) asks for dispatch times from the Eureka Processing & Distribution Center (P&DC) to each associate office under its jurisdiction. Subpart (g) asks for the mail's arrival time at the Crescent City and Smith River post offices. Subpart (h) asks for the name and arrival time for the associate office that has the latest arrival time, under a stated condition, for mail from a P&DC. Subpart (i) asks the extent to which the Eureka P&DC prepares mail for Crescent City, Smith River and the other associate offices. Subpart (j) asks the extent to which the Redding P&DC and other P&DCs with 2-day mail to Eureka prepare mail going to Eureka. Subpart (k), in which Popkin notes that 3 a.m. is the scheduled arrival time for mail to Eureka coming from San Diego, asks for the normal range of actual arrival times.

¹ The referenced facilities are North Bay, Eureka, Sacramento and Redding (all in California). DFC/USPS-GAN-62 is identified as follow up to DFC/USPS-GAN-58(f).

The Postal Service's objection. The Postal Service characterizes Popkin's follow-up interrogatories as "a string of questions ... about postal operations in California on a micro-local level." Objections of the United States Postal Service to Interrogatories of David Popkin at 1, November 8, 2002. Moreover, it contends that the answers would not provide an iota of information that has any bearing on any material issue in this proceeding. Accordingly, the Service claims that the requested information is not relevant or necessary to a determination of the issues in this proceeding, and asserts that it should not be burdened with expending its limited resources on responding to them. *Id.* at 2.

Popkin's position. Popkin generally asserts that the subparts in issue are an attempt to evaluate the Postal Service's ability to achieve 2-day delivery on mail from the San Diego area to associate offices served by the Eureka facility. He considers this a concern — and support for subparts (f), (g) and (h) — given that the arrival time for mail from San Diego at Eureka is 3 a.m. on the day of delivery ("Day 2"), and about 12 hours later than the arrival time (on "Day 1") for San Diego-Sacramento mail. *Id.* at 1. Popkin also notes that the offices cited in subpart (g) — Crescent City and Smith River — appear to be located the greatest distance from Eureka. *Id.* at 2.

Popkin further explains that subparts (i) and (j) are designed to evaluate the extent to which it is necessary to process the mail at the Eureka facility and the extent of any additional processing required at various associated offices, while subpart (k) seeks an evaluation of the variation of the 3 a.m. arrival time. He says he would accept a manager's estimate for these three answers. *Ibid.*

On the question of burden, Popkin contends the Postal Service has raised only a generalized statement. In addition, he believes the information sought in subparts (f), (g) and (h) should appear on the transportation records for Eureka and therefore should be readily available. *Ibid.*

The Postal Service's opposition. The Postal Service reiterates and expands upon its assertions in its Opposition to Popkin's motion for compelled responses. Opposition of the United States Postal Service to Motion to Compel Filed by Mr. Popkin at 1-2, November 19, 2002. It also notes that it has provided extensive information to participants in this case in the interest of minimizing burdensome motion practice. However, it says the instant request seeks "irrelevant and unnecessary postal operational minutiae," without an adequate explanation of why the inner workings of the Eureka facility are linked to an issue in this case. *Id.* at 2. The Service also clarifies that its contention that providing a response would be burdensome is based upon the irrelevance and lack of need for the requested information in resolving the issues in this case, rather than on a claim that the burden would be overwhelming. *Id.* at 4.

Discussion. Popkin has made no showing that the information sought here — or any related analyses — can conceivably contribute to this record. While the early arrival time of mail on "Day 2" at Eureka, especially when coupled with the 12-hour difference relative to Sacramento, may have piqued a participant's interest in certain logistical matters, production of the requested follow-up information on such highly localized issues would not, in any legal sense, advance the resolution of the broader concerns at stake here. In particular, inquiries into the degree of mail preparation, such as walk sequencing, strays far from the legitimate role of discovery in this case. Accordingly, the objection on grounds of lack of relevance is determined to be valid. I also find that the Postal Service has usefully clarified its burden argument, explaining that this was raised primarily in terms of a reluctance to expend resources on the production of information that lacks relevance, rather than a claim regarding the effort entailed in developing a response. Based on these considerations, the Popkin Motion to Compel is denied.

RULING

The David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-146 Subparts (f) through (k) That Has Been Objected to by the United States Postal Service, filed November 12, 2002, is denied.

Ruth Y. Goldway
Presiding Officer