

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

Postal Rate and Fee Changes

Docket No. R2006-1

PRESIDING OFFICER'S RULING
DENYING MOTION TO COMPEL RESPONSES
TO INTERROGATORIES DBP/USPS-62, 65, 79 AND 80

(Issued July 7, 2006)

On June 27, 2006, David B. Popkin filed a motion to compel responses to interrogatories DBP/USPS-62, 65, 79, and 80.¹ The interrogatories are similar in that they request copies of instructions given to droppers and reporters for the EXFC and PETE measurement systems:

DBPS/USPS-62 Please provide a copy of the EXFC dropper instructions referred to in the last sentence of the first paragraph of Section B.2 of USPS-LR-L-134.

DBPS/USPS-65 Please provide a copy of the EXFC reporter instructions referred to in the last sentence of Section C.2 of USPS-LR-L-134.

DBPS/USPS-79 Please provide a copy of the PETE dropper instructions referred to in the last sentence of the first paragraph of Section B.2 of USPS-LR-L-134.

DBPS/USPS-80 Please provide a copy of the PETE reporter instructions referred to in the last sentence of the first paragraph of Section C.2 of USPS-LR-L-134.

¹ David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-62, 65 and 79-80, filed June 27, 2006 (Motion). All four interrogatories were originally filed on June 5, 2006 in Interrogatories of David B. Popkin to the United States Postal Service [DBP/USPS-43-85].

The Postal Service objects to providing responses to these interrogatories because the material was developed by a contractor, and is considered proprietary by both the Postal Service and the contractor. The Postal Service asserts that it does not release this information internally to prevent manipulation of the system, or externally to prevent duplication of the contractor's process by competitors. The Postal Service further contends that the instructions are not relevant to any rate or classification issue in this docket.²

Mr. Popkin's perception is that the requested instructions merely paraphrase the material already released to the public in library reference USPS-LR-L-134. Thus, there is no basis for not responding to the interrogatory requests. Motion at 2. He further contends that an in-camera review by the Commission, protective conditions or redaction would not be appropriate because this material is already in the public domain.

The Commission generally allows discovery that is reasonably calculated to lead to admissible evidence during a noticed proceeding. Rule 25(a). In this instance, there is no explanation of how this material is necessary for an understanding of any aspect of the Postal Service's direct case, or how it might be reasonably calculated to lead to admissible evidence. Upon review, library reference USPS-LR-L-134 already provides expansive explanation of the EXFC and PETE process, which a party can use to understand the issues involved. The Motion is denied.

² Objections of the United States Postal Service to Interrogatories of David B. Popkin (DBP/USPS-62, 65, 79-80), filed June 15, 2006 (Objections); Opposition of the United States Postal Service to David B. Popkin Motion to Compel Response to Interrogatories 62, 65 and 79-80, filed July 5, 2006 (Opposition). (The Opposition corrects a typographical error in the Postal Service's Objections to clarify that the Postal Service contends that the material is not relevant in this docket.)

RULING

The David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-62, 65 and 79-80, filed June 27, 2006, is denied.

George Omas
Presiding Officer