

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

Evolutionary Network Development  
Service Changes

Docket No. N2006-1

PRESIDING OFFICER'S RULING ON  
DAVID B. POPKIN MOTIONS TO COMPEL  
RESPONSES TO INTERROGATORIES  
DBP/USPS-89, 90 AND 91

(Issued August 9, 2006)

This ruling concerns two motions filed by David B. Popkin on July 24, 2006. The first motion<sup>1</sup> seeks to compel the Postal Service to respond to his interrogatory DBP/USPS-90. The second motion<sup>2</sup> asks that I direct the Postal Service to respond to DBP/USPS-89 and 91. The Postal Service filed responses to the latter interrogatories on the same day Mr. Popkin filed his motion to compel.<sup>3</sup> Consequently, the motion to compel responses to these questions will be dismissed as moot.

Mr. Popkin's interrogatory DBP/USPS-90 refers to USPS library reference N2006-1/14—Newark, NJ Area Mail Processing Decision Package—and asks whether the consolidation will affect the salary level of the Postmaster at Newark, and if so, how.

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<sup>1</sup> David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-90, July 24, 2006 (Motion to Compel).

<sup>2</sup> David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-89 and 91, July 24, 2006.

<sup>3</sup> Responses of the United States Postal Service to Interrogatories of David Popkin (DBP/USPS-89 and 91), July 24, 2006. The responses were accompanied by a motion for late acceptance. The motion is granted.

The Postal Service objects on the ground that the requested information has no relevance to issues raised by its request in this case.<sup>4</sup>

Mr. Popkin notes that the Newark consolidation study takes into account the cost consequences of staffing changes for the various craft and supervisory employees, and argues that any change in the Postmaster's salary level is equally relevant. He asserts that this would be the case even if the salary does not change as long as the incumbent Postmaster is in place.<sup>5</sup>

In its Reply,<sup>6</sup> the Postal Service reiterates its assertion that the requested salary information lacks any nexus to material issues in this proceeding. According to the Service, Mr. Popkin's analogy likening the Postmaster's salary level to craft and supervisory cost savings information is inapt, as the latter estimates are not based on changes in salary levels for the employee categories before and after the consolidation. The Service also notes that, unlike the AMP package for the Marina, CA consolidation, the Newark AMP does not include a cost factor resulting from the loss of a Plant Manager position. Consequently, the Service argues, the salary level associated with the position of Postmaster of Newark is immaterial to the cost savings analysis in the Newark AMP study.<sup>7</sup>

I agree with the Postal Service that the information sought in this interrogatory is immaterial. Accordingly, I shall deny Mr. Popkin's motion as to DBP/USPS-90.

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<sup>4</sup> Objection of the United States Postal Service to David Popkin Interrogatory DBP/USPS-90, July 12, 2006.

<sup>5</sup> Motion to Compel at 1.

<sup>6</sup> Reply of the United States Postal Service to Motion to Compel a Response to David Popkin Interrogatory DBP/USPS-90, July 31, 2006.

<sup>7</sup> *Id.* at 2.

RULING

1. The David B. Popkin Motion to Compel Response to Interrogatories DBP/USPS-89 and 91, filed July 24, 2006, is dismissed as moot.
2. The David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-90, filed July 24, 2006, is denied.
3. The Motion of the United States Postal Service for Late Acceptance of Filing of Responses to Interrogatories of David Popkin (DBP/USPS-89 and 91), filed July 24, 2006, is granted.

Dawn A. Tisdale  
Presiding Officer