

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
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Postal Rate and Fee Changes, 2006]

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DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES
DBP/USPS-553 THROUGH 555

I move to compel response to the interrogatories submitted to the United States Postal Service that has been objected to by them.

September 11, 2006

Respectfully submitted,

R20061MTC27A553555

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

On August 16, 2006, I submitted Interrogatories DBP/USPS-553 through 555. On August 28, 2006, the Postal Service filed an objection to these interrogatories.

The interrogatories read as follows:

DBP/USPS-553 Please refer to your response to Interrogatory DBP/USPS-264. Please advise the type of data and information that is contained in Report IS-MA 06-001 that required withholding the entire report as opposed to providing a copy with necessary redactions.

DBP/USPS-554 Please refer to your response to Interrogatory DBP/USPS-264. Please advise the nature of each of the separate parts of the Report DR-AR-05-517 that were redacted and the reason for the redaction.

DBP/USPS-555 Please refer to Report Number DR-AR-05-517 provided in your response to Interrogatory DBP/USPS-264. Please confirm, or explain if you are unable to confirm, that the audit team evaluated a total of 10,006 parcels at four facilities situated in two Districts. Of these 10,006 parcels, 254 of them, or 2.54% of the parcels, were determined to require a surcharge and if was further determined that only 20 of these parcels, or 7.9%, of them were properly paid at the correct postage rate.

The Postal Service objects to these Interrogatories on the grounds of relevance.

The original Interrogatory and response that was being followed up is as follows:

DBP/USPS-264

Pease furnish a copy of the Office of the Inspector General's Report DR-AR-05-017 that relates to Balloon Rate and Parcel Surcharges and Report IS-MA 06-001 that relates to Security Over Sensitive Customer Data on Automated Postal Center Kiosks. If it is filed as a Library Reference, please furnish me with a hard copy.

RESPONSE:

A redacted version of Report DR-AR-05-017 that has been made public is attached. According to the Office of the Inspector General, the other report cannot be released publicly, due to the nature of the subject.

Interrogatory DBP/USPS-553

Without knowing the content of the Report, it is difficult to determine the relevancy of its contents. The Office of the Inspector General is a part of the United States Postal Service. Interrogatory DBP/USPS-553 is attempting to determine the type of data and information that is contained in the report rather than just looking at the title of the Report. I do not believe that the type of data and information in the report is such that it may not be released publicly.

Interrogatory DBP/USPS-554

Whether the redactions were made by the OIG or whether the redactions were made when the report was released under FOIA is irrelevant. It is also irrelevant that I was able to pose interrogatories based on the unredacted portion of the report.

I believe that when the Postal Service provides a report or a chart or any other information that has any information redacted, they have an obligation to advise that information has been redacted. There are two normal way that redaction is done. One way is to "black out" the redacted material in which case it is usually obvious that information has been redacted. The second way would be to "white out" the reacted material in which case it may not be so obvious.

Furthermore, while they have the right to redact certain material, I believe that I have the right to know the nature of the material that was redacted. A simple example would be that they have the right to redact a specific telephone number so I would not know that it was 202-268-1234 but I believe that I have the right to know that it was a telephone number,

In the Report that was furnished, two entire pages in Appendix A were redacted except for the fact that it was Appendix A. Likewise Tables 1,2, and 3 and most of the surrounding text were redacted. While the data that is contained in these three Tables may warrant redaction, why are the column headings, for example, redacted? I believe that I have a right to know the nature of the material and data that was redacted so that I may decide whether to file a Motion to disclose it, or to provide it under protective conditions, or to request in camera review.

The Postal Service should not have the ability to redact material without being required to provide the nature of what was being redacted and the reasons for the redaction.

Interrogatory DBP/USPS-555

While the figures were obviously taken from the report, they were taken from different places in the report and I was trying to confirm that I had put all the pieces together correctly. The fact that the report was issued by the OIG is irrelevant.

For the reasons stated, I move to compel response to the referenced interrogatories since it is reasonably calculated to lead to the discovery of admissible evidence.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

David B. Popkin September 11, 2006
