

PRESIDING OFFICER'S
RULING NO. N2009-1/7

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

Station and Branch Optimization and
Consolidation Initiative, 2009

Docket No. N2009-1

PRESIDING OFFICER'S RULING
DENYING MOTION TO COMPEL A RESPONSE TO DBP/USPS-31

(Issued September 18, 2009)

On August 10, 2009, David B. Popkin (Popkin) filed a motion to compel requesting that the Postal Service be directed to provide a response to interrogatory DBP/USPS-31.¹ This interrogatory seeks information on Postal Service programs to reduce retail window service and/or lobby access hours during the summer time period.

BP/USPS-31. It would appear that the Postal Service has either instituted or is considering institution of summer hours for retail window service hours. This would result in the reduction of retail window service hours and/or lobby access hours at some post offices, including stations and branches of some post offices, during the summer time frame and perhaps beyond.

Please furnish details of any such programs that have been or are being planned at the Area level or above. Please also furnish copies of any memoranda or directives that have been issued at the Area level or above which are related to the temporary or permanent reduction in retail window service hours and/or lobby access hours.

¹ David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-31, August 10, 2009 (Motion).

Popkin contends that the Postal Service has indicated that the Station and Branch Optimization and Consolidation Initiative (Initiative) may result in intermediate actions being taken with stations and branches other than maintaining the status quo or complete discontinuance. Motion at 2, *citing* response to DBP/USPS-30. He argues that one possible option would be reduction of retail service hours and/or lobby access hours. Thus, a response to the interrogatory is relevant and should be of interest to the Commission.

The Postal Service filed an objection to the interrogatory on July 27, 2009² and an opposition to the Motion on September 17, 2009.³ The Postal Service asserts that “[t]he Initiative has no bearing on the daily operating hours of such stations and branches, or any policies or practices related to temporary or seasonal changes in daily operating hours.” Objection at 1. It argues that the purpose of the Initiative “is to examine whether the retail postal network can be optimized by reducing the number of stations and/or branches in the network.” Opposition at 2. It explains that its response to interrogatory DBP/USPS-30 should be read to indicate that alternative options for stations and branches will be considered only after a decision is made to keep the facility open. *Id.* at 3.

A motion to compel a response to an interrogatory is initially evaluated against a standard of whether or not an interrogatory “appears reasonably calculated to lead to the discovery of admissible evidence” relevant to the subject matter of the proceeding. 39 CFR 3001.26(a). Questions related to whether or not, and how, the Postal Service considered a reduction in service hours as part of the Initiative appears relevant to this proceeding. In response to interrogatory PR/USPS-T1-9, the Postal Service affirmatively stated that adjustment of hours have not been considered in connection

² Objection of the United States Postal Service to David Popkin Interrogatory DBP/USPS-31, July 27, 2009 (Objection).

³ Opposition of the United States Postal Service to Popkin Motion to Compel Response to Interrogatories DBP/USPS-31, September 17, 2009 (Opposition). The filing was accompanied by Motion of the United States Postal Service for Late Acceptance of Opposition to Motion to Compel a Response to Interrogatory DBP/USPS-31, September 17, 2007. This motion is granted.

with the Initiative. See also interrogatories APWU/USPS-T2-4 and PR/USPS-T1-11. The Postal Service reiterates this position in its Opposition indicating that the Initiative is focused on reducing the number of stations and branches, as opposed to reducing service hours. The Postal Service's position appears clear.

Having established that the Postal Service has not considered reduction in service hours as part of the Initiative, providing information on reduction in service hours programs that may or may not exist and which are not caused by or flow from the Initiative will add little to the record. The interrogatory does not appear reasonably calculated to lead to the discovery of admissible evidence relevant to this proceeding. The Motion to compel a response to interrogatory DBP/USPS-31 is denied.

RULING

1. David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-31, filed August 10, 2009, is denied.
2. Motion of the United States Postal Service for Late Acceptance of Opposition to Motion to Compel a Response to Interrogatory DBP/USPS-31, filed September 17, 2009, is granted.

Ruth Y. Goldway
Presiding Officer