

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

Six-Day to Five-Day Street Delivery
and Related Service Changes

Docket No. N2010-1

PRESIDING OFFICER'S RULING
DENYING DAVID B. POPKIN MOTION TO
COMPEL RESPONSE TO INTERROGATORY DBP-USPS-33

(Issued June 11, 2010)

On May 3, 2010, David B. Popkin (Popkin) filed, among others, interrogatory DBP-USPS-33, seeking the percentage of facilities in each postal district that have retail window service on a Saturday.¹ On May 13, 2010, the Postal Service filed a partial objection to DBP-USPS-33, claiming that information concerning Saturday retail access is beyond the scope of this proceeding.² Notwithstanding the objection, on May 17, 2010, the Postal Service responded to DBP-USPS-33 with the aggregate percentages of main offices and all facilities that offer retail window service on a Saturday.³

Popkin filed a motion to compel the Postal Service to respond to interrogatory DBP-USPS-33 on May 26, 2010.⁴ Popkin claims that disaggregate data, by district, is

¹ Interrogatories of David B. Popkin to the United States Postal Service [DBP-USPS-30 through 35], May 3, 2010.

² Partial Objection of the United States Postal Service to David Popkin Interrogatory DBP-USPS-33, May 13, 2010.

³ Responses of the United States Postal Service to Interrogatories of David B. Popkin (DBP-USPS-30-35), May 17, 2010.

⁴ David B. Popkin Motion to Compel Response to Interrogatory DBP-USPS-33, May 26, 2010 (Motion to Compel).

required to assess whether there is a disparity in Saturday retail window access across the nation. *Id.* at 2. Popkin claims that the availability of Saturday retail window access “will affect the perception that customers will have on the effects of the elimination of street delivery...and that perception is relevant to this docket.” *Id.*

The Postal Service filed in opposition to the Motion to Compel on June 2, 2010.⁵ The Postal Service notes that the proposed changes under review in this docket do not include any change to the level of retail window service offered on Saturdays. *Id.* at 2. The Postal Service also emphasizes the alternate access channels customers may utilize, other than retail window services, to conduct postal business. *Id.* at 3-5. The Postal Service contends that disaggregation of data that is only tangentially relevant does not add to the discussion in this docket. *Id.* at 5-6.

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).

In some instances customer perception may be relevant in the evaluation of a proposal to change the nature of postal services. However, DBP-USPS-33 does not meet the standard of 39 CFR 3001.26(a). Detailed local information on retail service offered Saturday, which is not subject to change as part of the proposal under consideration in this docket, is only tangentially relevant.⁶ The Postal Service provided national aggregate data that allows Popkin to demonstrate the level of Saturday retail coverage without some increase in retail access. Further disaggregation of such

⁵ Opposition of the United States Postal Service to Popkin Motion to Compel a Further Response to DBP/USPS-33, June 2, 2010.

⁶ Popkin offers an example of “the ability of a customer to give their outgoing mail to the carrier on a Saturday [would be eliminated] and could require the customer to make a trip to their local post office.” See Motion to Compel at 2. As the proposal under consideration in this docket would eliminate outgoing mail processing, the ability to lodge mail at a retail facility would affect nothing more than a customer’s perception.

tangentially relevant data will not produce evidence that will assist the Commission in formulating the advisory opinion required in this docket.

RULING

The David B. Popkin Motion to Compel Response to Interrogatory DBP/USPS-33, filed May 26, 2010, is denied.

Ruth Y. Goldway
Presiding Officer