

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

Retail Access Optimization Initiative

Docket No. N2011-1

PRESIDING OFFICER'S RULING ON SEVERAL  
DAVID B. POPKIN MOTIONS

(Issued September 9, 2011)

On August 30, 2011, David B. Popkin (Popkin) filed a motion.<sup>1</sup> On September 2, 2011, Popkin filed two motions.<sup>2</sup> On September 3, 2011, Popkin filed another motion.<sup>3</sup> Mr. Popkin filed an additional motion on September 9, 2011.<sup>4</sup> The Postal Service filed a Response to Motion No. 1 on September 6, 2011.<sup>5</sup> Each motion is addressed below.

*Motion No. 1.* Mr Popkin alleges that the Postal Service has not provided certain data or justification for filing information in a non-public manner. As discussed in the Postal Service's Response, this information was filed on August 19, 2011.<sup>6</sup> Accordingly, Motion No. 1 is denied as moot.

---

<sup>1</sup> David B. Popkin Motion, August 30, 2011 (Motion No. 1).

<sup>2</sup> David B. Popkin Motion, September 2, 2011 (Motion No. 2) (regarding allegations of a lack of response to DBP/USPS-50 through DBP/USPS-53); David B. Popkin Motion, September 2, 2011 (Motion No. 3) (regarding library references USPS-LR-N2011-1/9 and USPS-LR-N2011-1/NP5).

<sup>3</sup> David B. Popkin Motion, September 3, 2011 (Motion No. 4).

<sup>4</sup> David B. Popkin Motion, September 9, 2011 (Motion No. 5).

<sup>5</sup> Response of the United States Postal Service to August 30, 2011 David B. Popkin Motion, September 6, 2011 (Response).

<sup>6</sup> Notice of United States Postal Service, August 19, 2011. The appropriate electronic file is entitled "FDB CMN Core.pdf."

*Motion No. 2.* Mr Popkin alleges that the Postal Service did not file responses to DBP/USPS-50 through DBP/USPS-53. Responses to those interrogatories were filed on September 6, 2011.<sup>7</sup> Accordingly, Motion No. 2 is denied as moot.

*Motion No. 3.* Mr. Popkin makes allegations regarding the non-public status of finance numbers. This identical issue has been addressed by this Presiding Officer in an earlier docket in response to a motion by Mr. Popkin.<sup>8</sup> Without new information or new arguments, the same ruling applies here. Accordingly, Motion No. 3 is denied.

*Motion No. 4.* Mr. Popkin alleges that the Postal Service did not file a notice providing the purposes of Library Reference USPS-LR-N2011-1/8 and did not file an application for non-public treatment for USPS-LR-N2011-1/NP4. The Postal Service filed a notice for Library Reference USPS-LR-N2011-1/8 on August 30, 2011.<sup>9</sup> In its errata filed on September 9, 2011, the Postal Service filed its application for non-public treatment for USPS-LR-N2011-1/NP4.<sup>10</sup> Accordingly, Motion No. 4 is denied as moot.

*Motion No. 5.* Mr. Popkin discusses the fact that several interrogatories were filed late. He notes potential prejudice from the late filings, but does not request any relief. Because he does not request any relief, Motion No. 5 is denied without prejudice to refiling with requested relief and justification for such relief.

---

<sup>7</sup> Responses of the United States Postal Service to David Popkin Interrogatories DBP/USPS-50 through 53, September 6, 2011.

<sup>8</sup> See Docket No. N2009-1, Presiding Officer's Ruling Denying Motion to Publicly Disclose Finance Numbers.

<sup>9</sup> Notice of the United States Postal Service of Filing Library Reference USPS-LR-N2011-8 and USPS-LR-N2011-1/NP4, August 30, 2011.

<sup>10</sup> Notice of United States Postal Service of Filing Library References USPS-LR-N2011-1/8 and USPS-LR-N2011-1/NP4 and Application for Non-Public Treatment [Errata], September 9, 2011.

RULING

1. The David B. Popkin Motion filed on August 30, 2011 is denied.
2. Both David B. Popkin Motions filed on September 2, 2011 are denied.
3. The David B. Popkin Motion filed on September 3, 2011 is denied.
4. The David B. Popkin Motion filed on September 9, 2011 is denied.

Ruth Y. Goldway  
Presiding Officer