

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on Sunday
and Holiday Collections

Docket No. C2001-1

DOUGLAS F. CARLSON
RESPONSE TO ORDER NO. 1307

March 26, 2001

Order No. 1307 initiated a proceeding to hear the complaint that I filed on October 27, 2000, concerning collections on Sundays, holidays, Christmas Eve, and New Year's Eve.¹ The order identified issues for me and other participants to explore in developing a record. Order at 16–17.

The order also indicated that the Commission “does not contemplate consideration at this time of whether the level of holiday and holiday eve service is adequate under § 3661(a)” because my complaint does not include “a specific allegation that these service levels are not adequate.” Order at 17. However, the Commission granted me an opportunity to modify my complaint if I am “going to enter evidence in support of an allegation that holiday and holiday eve service levels are not adequate.” *Id.*

The order requested that I inform the Commission whether I will modify my complaint and, if so, the date on which I will file this modification. *Id.* Second, the order asked me to state the number of days I am requesting for discovery. *Id.* Third, the order asked me to indicate the nature of the presentation that I expect to make in support of my complaint. *Id.* Finally, the order requested, but did not require, that I submit “any other requests for time along with a description of the contemplated task.” *Id.* at 17–18.

¹ Order No. 1307 (“Order”), filed March 20, 2001.

I hereby respond to Order No. 1307.

Amendment of Complaint

Along with this document, I will file a motion for leave to amend my complaint,² as well as amended pages of my complaint.³ My amended complaint will allege that the level of service that the Postal Service provides on holidays, Christmas Eve, and, possibly, New Year's Eve may not be adequate within the meaning of 39 U.S.C. § 3661(a). I do not know for certain at this time whether I will enter evidence on this issue, although I probably will. If I do enter evidence, the evidence might consist primarily or exclusively of evidence obtained through discovery, but I might submit my own testimony as well. As my motion to amend the complaint explains, volume data from plants that previously processed mail on holidays may establish that elimination of this service on holidays has deprived customers of adequate postal services.

Discovery

I request five weeks (35 days) to file initial discovery requests. Follow-up discovery pursuant to Rule 26(a) should be permissible beyond the 35-day period. I request five weeks for discovery because the Postal Service may need to contact field offices to obtain responses to some discovery requests. While these discovery requests may be necessary to develop an adequate record and resolve the issues in this complaint, the Postal Service may not be able to respond within the 14-day period that Rule 26(b) prescribes. Participants should have an opportunity to review responses to initial discovery requests and then file new discovery requests that technically may not constitute follow-up requests. The procedural calendar should anticipate some delays and schedule the progression of this proceeding accordingly.

Since Order No. 1307 did not specifically authorize discovery to commence, the 35-day period should begin after the presiding officer issues a

² Douglas F. Carlson Motion to Amend Complaint, dated March 26, 2001.

³ Douglas F. Carlson Notice of Filing of Amended Pages of Complaint, dated March 26, 2001.

ruling authorizing discovery to begin. I will not submit discovery requests before that ruling is issued.

Nature of Presentation

Until I review the Postal Service's responses to discovery requests, I will be unable to commit to a particular presentation. A testimonial presentation may be unnecessary, and I may instead be able to argue the issues on brief. On the other hand, I may decide at the end of the discovery period to submit written testimony. Thus, a decision on the type of presentation appears to be premature. A request for time for a particular task appears similarly premature.

Given this uncertainty, I propose that the presiding officer issue a ruling approximately three weeks after the deadline for filing initial discovery requests asking me, and presumably other participants as well, to identify the nature of our presentations.⁴ I request at least one month beyond the presiding officer's subsequent ruling to prepare either testimony or a brief.

Respectfully submitted,



Dated: March 26, 2001

DOUGLAS F. CARLSON

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required parties in accordance with section 12 of the *Rules of Practice*.



DOUGLAS F. CARLSON

March 26, 2001
Santa Cruz, California

⁴ Depending on the number and nature of discovery requests that are still outstanding three weeks after the deadline for filing initial discovery requests, the presiding officer may want to delay this ruling.