

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

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Nanci E. Langley, Vice Chairman;  
Mark Acton;  
Tony Hammond; and  
Robert G. Taub

Post Office Box Service Enhancements

Docket No. MC2012-26

ORDER RESOLVING PROCEDURAL MOTIONS

(Issued August 14, 2012)

On July 30, 2012, Chairman's Information Request No. 1, which sought information pertinent to certain post office box enhancements, requested written responses by "no later than Friday, August 3, 2012."<sup>1</sup>

On Monday, August 6, 2012, David Popkin filed a motion seeking an extension of the August 7, 2012 deadline for submitting comments.<sup>2</sup> In the Motion for Extension to File Comments, Popkin asked the Commission to extend the August 7, 2012 deadline by 72 hours, starting from the time that the Postal Service submitted its response to CHIR No. 1 in order to permit the participants to use the information contained in the response in their comments. Popkin Motion at 2.

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<sup>1</sup> Chairman's Information Request No. 1 (CHIR No. 1), July 30, 2012.

<sup>2</sup> Motion of David B. Popkin (Popkin Motion for Extension to File Comments), August 6, 2012, at 2. In his motion, Popkin refers to the August 7, 2012 deadline as a deadline for the "submission of Initial Briefs." *Id.* However, the Commission's procedural orders set a deadline of August 7, 2012 for comments and a deadline of August 14, 2012 for reply comments; See Order No. 1401, July 12, 2012; at 3; see also Order No. 1413, July 23, 2012, at 3. The procedural order does not provide for briefing in this docket.

The Postal Service provided a response to CHIR No. 1 later that same day.<sup>3</sup> The Response to CHIR No. 1 is a three-page document responding to three questions. Also that same day, the Postal Service submitted a motion for the late acceptance of its Response to CHIR No. 1.<sup>4</sup> In its Motion for Late Acceptance, the Postal Service indicates that due to the number of documents filed on July 30, 2012, the day the Commission issued CHIR No. 1, and due to counsel's involvement in other dockets, it did not promptly identify CHIR No. 1 when it was issued. *Id.* at 1. With respect to Popkin's Motion for Extension to File Comments, the Postal Service indicated that although it did not oppose the filing of comments on issues raised in its Response to POIR No. 1 shortly after the August 7, 2012 deadline, it opposes any "general extension" of the August 7 deadline for comments. *Id.* at 1-2.

On August 10, 2012, Popkin filed a response in opposition to the Postal Service Motion for Late Acceptance.<sup>5</sup> Popkin asserts that the Postal Service's Motion for Late Acceptance should be denied because commenters did not have sufficient time in which to incorporate the Response to CHIR No. 1 into their comments.<sup>6</sup>

On August 13, 2012, the Postal Service filed a motion seeking a 3-day extension in which to file reply comments.<sup>7</sup> The Postal Service indicates that due to the large number and broad scope of comments that have been submitted, 1 week is not sufficient time in which to complete a full response. *Id.* It requests that the deadline for

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<sup>3</sup> Response of the United States Postal Service to Chairman's Information Request No. 1 August 6, 2012 (Postal Service Response to CHIR No. 1),.

<sup>4</sup> Motion for Late Acceptance of Response of the United States Postal Service to Chairman's Information Request No. 1 August 6, 2012 (Postal Service Motion for Late Acceptance),.

<sup>5</sup> Opposition of David B. Popkin to the United States Postal Service's Motion for Late Acceptance of the Response of the United States Postal Service to Chairman's Information Request No. 1 (Opposition to Late Acceptance), August 10, 2012.

<sup>6</sup> *Id.* at 2. Popkin again refers to the comments, which were due on August 7, 2012, as an "Initial Brief." He styles comments that he filed with the Commission on August 7, 2012 as an "Initial Brief."

<sup>7</sup> Motion of the United States Postal Service for Extension of Time to File Reply Comments (Postal Service Motion for Extension to File Reply Comments), August 13, 2012.

filing reply comments be extended until Friday, August 17, 2012. Popkin filed an opposition to the Postal Service Motion for Extension to File Reply Comments.<sup>8</sup>

Over 400 commenters have filed comments in this docket. The commenters have raised numerous issues that the Postal Service will need to address. An extension of 3 days will afford the Postal Service an opportunity to fully address the issues raised. It will, as noted above, also provide commenters, should they so desire, an opportunity to address issues raised in the Postal Service Response to CHIR No. 1. The Commission accordingly grants the Postal Service Motion for Extension to File Reply Comments and its Motion for Late Acceptance.

Popkin's argument in support of his Motion for Extension to File Comments and his Opposition to Late Acceptance of the Postal Service's Response to CHIR No. 1 is that commenters should be afforded three days in which to review the Postal Service Response to CHIR No. 1 and use information contained in the response in their comments. The Commission will permit commenters to address any information contained in the Response to CHIR No. 1 in their reply comments. The Commission accordingly denies Popkin's Motion for Extension to File Comments.

*It is ordered:*

1. The Motion of David B. Popkin, filed August 6, 2012, is denied.
2. The Motion for Late Acceptance of Response of the United States Postal Service to Chairman's Information Request No. 1, filed August 6, 2012, is granted.
3. The Motion of the United States Postal Service for Extension of Time to File Reply Comments, filed August 13, 2012, is granted.

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<sup>8</sup> Opposition of David B. Popkin to the United States Postal Service's Motion for Extension of Time to File Reply Comments, August 14, 2012.

4. Reply Comments are due no later than August 17, 2012. Reply comments may address the information provided in the Response to CHIR No. 1

By the Commission.

Shoshana M. Grove  
Secretary