

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

ANNUAL COMPLIANCE REPORT, 2018

Docket No. ACR2018

**EMERGENCY MOTION OF THE UNITED STATES POSTAL SERVICE FOR
POSTPONEMENT OF IMPLEMENTATION OF ORDER NO. 5151
(July 23, 2019)**

On July 12, 2019, the Postal Regulatory Commission (“Commission”) issued Order No. 5151 (the “Order”) affirming its preliminary determination in Order No. 5055 to unseal the materials filed in non-public Library Reference PRC-LR-ACR2018-NP3 (“Library Reference NP3”), the underlying data to support the Commission’s evaluation and analysis of the aggregated Inbound Letter Post data in Docket No. ACR2018. The Commission specifically ordered that Library Reference NP3 will be unsealed via posting on the Commission’s website as a public library reference on August 1, 2019, which is 20 days after issuance of Order No. 5151. While we continue to evaluate our legal options, the Postal Service is likely to seek judicial review of Order No. 5151 under 39 U.S.C. § 3663 before the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). As such, the Postal Service respectfully seeks emergency relief from the Commission in the form of a postponement of the effective date of Order No. 5151 until no earlier than August 12, 2019,¹ which would correspond to the first business day after the end of the 30-day period for lodging an appeal under 39 U.S.C. § 3663.

¹ Notwithstanding the disposition of the instant motion, the Postal Service will separately move for a stay of Order No. 5151 before the Commission pending the forthcoming appeal to the D.C. Circuit, and should that motion be favorably resolved by the Commission, the date of implementation of Order No. 5151 would of course be expected to be sometime after August 12, 2019, and subject to the outcome of any appeal before the D.C. Circuit.

If the Postal Service files an appeal, it will also file a motion for emergency relief with the D.C. Circuit seeking a stay of the implementation of Order No. 5151 during the pendency of the appeal. In accordance with D.C. Circuit Rule 27(f), requests for expedited action must be filed at least 7 days before the date by which court action is necessary or counsel must explain why it was not so filed. Thus, if the Commission does not extend the effective date of Order No. 5151, the Postal Service would be expected to file its petition for review along with an emergency motion for relief with the D.C. Circuit by Thursday, July 25, 2019. Given this deadline, a decision on the instant motion would accordingly need to be issued by close of business on Wednesday, July 24, 2019, so the Postal Service can accurately represent the timeline for expedition to the D.C. Circuit. Granting the instant motion would accordingly give the Commission and the D.C. Circuit the ability to consider the appropriateness of a stay in a less compressed timeframe.

Accordingly, the Postal Service respectfully requests that the Commission postpone the unsealing of Library Reference NP3 until at least August 12, 2019, subject to any further action the Commission may take in connection with this matter.

Respectfully submitted,

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