

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

Before Commissioners:

Robert G. Taub, Chairman;
Michael Kubayanda, Vice Chairman;
Mark Acton;
Ann C. Fisher; and
Ashley E. Poling

Complaint of Randall Ehrlich

Docket No. C2020-1

ORDER EXTENDING TIME TO RESPOND TO MOTION TO DISMISS

(Issued January 16, 2020)

On December 23, 2019, Randall Ehrlich (Complainant) filed a complaint pursuant to 39 U.S.C. §§ 3662(a) and 403(c) concerning an ongoing suspension of mail service to his home.¹

On January 13, 2020, the Postal Service filed a motion to dismiss the Complaint, asserting that the Complainant fails to state a claim upon which relief can be granted, the Commission lacks statutory authority to grant the remedy requested, and that *res judicata* precludes the Commission from considering the allegations set forth in the complaint.² Under the Commission's rules, a response to the Motion to Dismiss would typically be due within 7 days of the motion's filing. See 39 C.F.R. § 3001.21(b).

¹ Complaint of Randall Ehrlich, December 23, 2019 (Complaint).

² United States Postal Service Motion to Dismiss with Prejudice the Complaint of Randall Ehrlich, January 13, 2020 (Motion to Dismiss).

Because the due date falls on a federal holiday, the response would be due on the following day, January 21, 2020.

To clarify the basis for the Motion to Dismiss, the Commission issued Chairman's Information Request No. 1 on January 16, 2020.³ The response period for this information has been set for January 23, 2020 to give the Postal Service an adequate period of time to collect responsive information. In order to give the Complainant the ability to review the responses, the Commission has extended the deadline for the Complainant's answer to January 30, 2020.

It is ordered:

The Complainant's answer to the Motion to Dismiss is due no later than January 30, 2020.

By the Commission.

Ruth Ann Abrams
Acting Secretary

³ Chairman's Information Request No. 1, January 16, 2020.