

**BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001**

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

**Complaint on First-Class Mail
Service Standards**

Docket No. C2001-3

**DOUGLAS F. CARLSON
MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO POSTAL SERVICE OBJECTION TO DFC/USPS-9**

November 19, 2001

On October 30, 2001, I filed interrogatory DFC/USPS-9.¹ This interrogatory requests point-to-point EXFC and ODIS delivery performance information. On November 6, 2001, the Postal Service filed an objection to public disclosure of these data, instead requesting application of protective conditions.² Rule 26(d) would require me to file a motion to compel public disclosure of the data by November 20, 2001.

In this instance, my numerous outstanding discovery requests³ to the Postal Service may inform the presiding officer and me of the importance of this information to the case that I plan to present. Similarly, responses to these discovery requests may display the public's interest in public disclosure of this

¹ Douglas F. Carlson Interrogatory to the United States Postal Service (DFC/USPS-9), filed October 30, 2001.

² Objection of the United States Postal Service to Interrogatory of Douglas Carlson (DFC/USPS-9), filed November 6, 2001.

³ Douglas F. Carlson Interrogatories to United States Postal Service Declarant Charles M. Gannon (DFC/USPS-GAN-3-31), filed October 25, 2001; Douglas F. Carlson Interrogatories to the United States Postal Service (DFC/USPS-2-8), filed October 25, 2001; Douglas F. Carlson Interrogatory to the United States Postal Service (DFC/USPS-9), filed October 30, 2001.

information. If I do move to compel public disclosure of this information, I may use responses to these discovery requests in arguments in my motion.

Most of the responses to my discovery requests were due on November 8, 2001. A response to the remaining one was due on November 13, 2001. A Postal Service pleading filed on November 16, 2001, suggests that responses will be filed by November 23, 2001.⁴ If the Postal Service had filed timely responses to these interrogatories, I would have had plenty of time to consider the responses and weave them into my motion as appropriate before its November 20, 2001, due date. Unfortunately, the delay threatens to deny me this opportunity. Therefore, I move for an extension of time to file a possible motion to compel public disclosure of the information requested in DFC/USPS-9. Assuming that the responses will be filed on November 23, 2001, I request a 10-day extension to Monday, December 3, 2001. Considering the three days required for delivery of First-Class Mail, this extension will effectively give me seven days to write my motion. Seven days will be sufficient even though I expect to be out of town for part of Thanksgiving weekend.

Absent an explanation of the connection between the discovery requests and DFC/USPS-9, the Postal Service was unwilling to consent to this modest and reasonable extension during informal discussions. However, at this time, I do not believe that I should be required to reveal a possible central theme in my case in order to explain precisely how I intend to use some of these discovery responses in my motion. The Postal Service should respond to these interrogatories without first receiving a preview of my case. The Postal Service's failure to file timely responses to my discovery requests should not shift the burden to me to explain the precise relation of these discovery requests to my motion to compel. Rather, to the extent that a connection is not immediately

⁴ Response of Charles Gannon on Behalf of United States Postal Service to Interrogatory of the Office of the Consumer Advocate (OCA/USPS-GAN-1) at 1, filed November 16, 2001.

apparent, the presiding officer should presume that a party's discovery strategy is reasonably calculated to lead to the discovery of information relevant to the party's case and that interrogatories share a relation to each other and are not necessarily independent.

Respectfully submitted,

Dated: November 19, 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

November 19, 2001
Santa Cruz, California