

**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 FILE DIRECT CASE**

**November 30, 2001**

On October 10, 2001, the presiding officer established a deadline of January 7, 2002, for me to file my direct case in this proceeding.<sup>1</sup> Despite the Postal Service's production of two declarations from Charles M. Gannon before the discovery period began, discovery has uncovered many new wrinkles concerning the changes in First-Class Mail service standards that the Postal Service implemented in 2000 and 2001.<sup>2</sup> Discovery also has raised many new questions, as my 21 follow-up interrogatories indicate.<sup>3</sup> In addition, I have not received the point-to-point volume data that I requested in DFC/USPS-1 and DFC/USPS-9 because the Postal Service and I disagree on the application of

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<sup>1</sup> POR C2001-3/1 at 3, filed October 10, 2001.

<sup>2</sup> For example, the Postal Service model for setting two-day and three-day delivery standards apparently used a 12-hour drive time by truck to determine the reach of an originating facility's two-day delivery area, even if the mail actually travels by air, rail, or ferry and would consistently arrive by the critical entry time at the destination ADC to achieve two-day delivery. In some instances, the service standards are divorced from reality or were changed unnecessarily because transportation existed to maintain a two-day delivery standard. See, e.g., Response to DBP/USPS-72, filed November 19, 2001.

<sup>3</sup> Douglas F. Carlson Follow-up Interrogatories to United States Postal Service Declarant Charles M. Gannon (DFC/USPS-GAN-32-51), filed November 30, 2001, and Douglas F. Carlson Follow-up Interrogatory to the United States Postal Service (DFC/USPS-12), filed November 30, 2001.

protective conditions.<sup>4</sup> This dispute has not yet been resolved, and I expect that these data may form a central element of my case. Another contributing factor is the Postal Service's late filing of numerous discovery responses. See Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories, filed November 23, 2001. The delay in filing many of these responses was substantial — typically at least two weeks but as many as 28 days. *Id.* In short, I have deep concerns about my ability to meet the January 7, 2002, deadline for filing my direct case given the progression thus far of discovery and discovery-related disputes.

Moreover, as I explained in a Docket No. C2001-1 pleading,<sup>5</sup> the U.S. District Court is considering my request for a declaratory judgment concerning the applicability of Freedom of Information Act exemptions to data contained in the Postal Service's Collection Box Management System database. The judge set a February 5, 2002, hearing date for our cross-motions for summary judgment. The deadline for filing our motions is December 18, 2001. Our opposition papers are due on January 2, 2002, and our replies are due on January 8, 2002. While I tried to steer the deadlines in this case away from the January 7, 2002, deadline for filing my direct case in Docket No. C2001-3, our case management conference led to an order setting the deadlines described in this paragraph. The deadlines for the U.S. District Court proceeding will seriously impede my ability to work on Docket No. C2001-3 issues during the month of December.

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<sup>4</sup> In a public hearing, the default is to produce information in public. Even though I could use information provided under protective conditions to litigate my case, I am seeking public disclosure of this information. I have a right to seek public disclosure of this information. The Postal Service's request for protective conditions should not prejudice me by substantially reducing my time available to review the information and prepare my direct case. Nor am I at fault for any delay caused by my opposition to the Postal Service's request for protective conditions.

<sup>5</sup> Docket No. C2001-1, Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatories DFC/USPS-19-21, filed June 26, 2001.

For the reasons explained herein, and to allow for completion of discovery and discovery-related disputes, I move for an extension of the deadline to February 7, 2002, for me to file my direct case.

The Postal Service did not respond to my request for a statement of support for or nonopposition to this motion.

Respectfully submitted,

Dated: November 30, 2001

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DOUGLAS F. CARLSON

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**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*.

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DOUGLAS F. CARLSON

November 30, 2001  
Santa Cruz, California