

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

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

Docket No. C2001-3

**DOUGLAS F. CARLSON
MOTION TO SUSPEND DEADLINE
TO FILE DIRECT CASE**

February 1, 2002

On November 30, 2001, I moved for an extension of time from January 7, 2002, to February 7, 2002, to file my direct case.¹ In support of my motion, I cited the presence of outstanding discovery requests and the absence of a resolution of the dispute concerning disclosure of point-to-point volume data and delivery-performance data in response to DFC/USPS-1 and DFC/USPS-9. On December 10, 2001, the presiding officer granted my motion and established a deadline of February 7, 2002, for me to file my direct case in this proceeding.²

Unfortunately, I will be unable to meet the February 7, 2002, deadline. The discovery dispute concerning DFC/USPS-1 and DFC/USPS-9 remains unresolved. Moreover, the Postal Service has not responded to all discovery requests, and my informal contact with postal counsel suggests that some responses may not be filed for several more weeks. Before preparing my testimony, I need time to review the information provided in response to the outstanding discovery requests and in response to DFC/USPS-1 and DFC/USPS-9.

¹ Douglas F. Carlson Motion for an Extension of Time to File Direct Case, filed November 30, 2001.

² POR C2001-3/11, filed December 10, 2001.

I request that I be permitted to file my testimony 4½ weeks after the Postal Service has filed all responses to outstanding discovery requests. At first glance, a simple solution to resetting the deadline for me to file testimony might be to start the clock after the Postal Service files a response to the last currently outstanding discovery request. However, some chance exists that I would need to wait for responses to follow-up interrogatories before preparing my testimony, so automatically tying the deadline to the filing date of the last currently outstanding discovery request may not be fair to me or practical. On the other hand, building in time for follow-up interrogatories may be unnecessary because responses to some follow-up interrogatories may not be critical to my testimony. Attempting, today, to specify an exact trigger mechanism to start the 4½-week clock may not be practical. Instead, I propose, first, that the presiding officer suspend the February 7, 2002, deadline. Next, I propose that the Postal Service and I confer as it files discovery responses, and we will attempt subsequently to reach an agreement as to the appropriate time or event to start the 4½-week clock. I further propose that I will have primary responsibility for notifying the presiding officer of our agreement and, at that time, to propose further procedural steps and deadlines, which will be subject to comment by other parties. However, the Postal Service and I will retain the right to request that the presiding officer establish a new deadline for filing testimony in the event that we are unable to agree on the date or event that should start the 4½-week clock. This flexible approach should ensure that I have a reasonable amount of time to prepare my testimony while providing sufficient flexibility to accommodate unexpected developments.

I am authorized to state that the Postal Service agrees with this proposal.

Respectfully submitted,

Dated: February 1, 2002

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*.

February 1, 2002
Santa Cruz, California

DOUGLAS F. CARLSON