

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

**Complaint on Sunday
and Holiday Collections**

Docket No. C2001-1

**DOUGLAS F. CARLSON
MOTION TO ESTABLISH DEADLINE
FOR FILING TESTIMONY**

March 1, 2002

In POR C2001-1/17, the presiding officer granted my motion to suspend these proceedings until March 1, 2002.¹ The ruling requires me to provide an update on or before March 1, 2002, on the status of my lawsuit in federal court seeking a declaratory judgment establishing that no statutory exemptions apply to permit the Postal Service to withhold pertinent Collection Box Management System (CBMS) data in response to Freedom of Information Act (FOIA) requests. *Id.* The ruling also required me to inform the Commission by March 1, 2002, of my intended date for filing part two of my testimony. *Id.*

The court did not require the parties to appear at the scheduled hearing on February 5, 2002, on our cross-motions for summary judgment. Nonetheless, to date, the court has not issued an order or judgment resolving either motion for summary judgment. Thus, the case is still pending.

I am in the process of developing testimony on issues related to early collections on eves of holidays and the lack of sufficient notice provided to the public concerning these changes in collection schedules. In addition, I am attempting to develop testimony on the extent to which holiday collection times are posted on collection boxes that do not, in fact, provide customers with

¹ POR C2001-1/17, filed January 7, 2002.

outgoing mail processing on every holiday. My preparation of testimony has been hampered by the Postal Service's refusal to comply with Order No. 1331 to provide CBMS data. I am attempting to counteract the resulting shortcomings in my case by augmenting my testimony on other aspects of these service problems. My work may require a personal visit to the New York Public Library. I do not have the financial resources to make a special trip to New York to offset the harm to my case that the Postal Service's defiance of Order No. 1331 has created. However, I expect to be in New York in mid-April for another reason, and I will conduct research on one remaining aspect of my testimony at that time.

To allow me to complete my research and my testimony, I propose a deadline of April 25, 2002, for me to file my testimony. Alternatively, I could submit my testimony on or before April 9, 2002, and then submit a supplement by April 25, 2002.

When I file my testimony, I will propose a procedural schedule to bring this proceeding to an expeditious conclusion.

Respectfully submitted,

Dated: March 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*.

DOUGLAS F. CARLSON

March 1, 2002
Santa Cruz, California