

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint of Jan Book

Docket No. C2005-2

MOTION OF THE UNITED STATES POSTAL SERVICE
REGARDING PROCEDURAL SCHEDULE
(April 27, 2005)

The United States Postal Service has filed its Answer today in the above-captioned proceeding. In the interest of ensuring the most economical use of the resources of all parties and the Commission, the Postal Service hereby gives notice of its intention to file, no later than May 17, 2005, a Motion to Dismiss the Complaint in this proceeding. The Postal Service considers that a threshold question to be resolved is whether the Commission has jurisdiction to entertain the complaint under 39 U.S.C. § 3662, as implemented by 39. C.F.R. § 3001.82.

For reasons to be explained in its Motion to Dismiss, even if all of the material factual claims in the Complaint are assumed to be true, the Postal Service considers that there is no basis for the assertion of jurisdiction by the Commission to hear the Complaint. Accordingly, the Postal Service hereby proposes that the Commission set May 17, 2005, as the deadline for filing of the Postal Service's motion and a reasonable date thereafter (such as June 6, 2005) for the filing of Complainant's response.

The Postal Service also hereby moves that all discovery in this docket be held in abeyance pending the Commission's ruling on the Motion to Dismiss.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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April 27, 2005
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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon all parties of record in this proceeding.

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