

Before The
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Postal Rate and Fee Changes, 2005)

Docket No. R2005-1

MOTION OF APWU TO FILE ITS INITIAL BRIEF
AND TO CORRECT THE DATE OF RECEIPT OF ITS INITIAL BRIEF
(September 26, 2005)

The APWU, by its undersigned counsel, hereby respectfully moves the Commission to accept the APWU's Initial Brief for filing, and to correct the Commission's docket to reflect the fact that the Initial Brief of the APWU in the above-captioned case was timely filed on September 26, 2005. This motion is necessary because, although the APWU's Brief was transmitted at 4:28 p.m. on September 26, 2005, the Commission's computer system returned a message indicating that the Brief had been received at 4:30 p.m. plus approximately 15 seconds. As reflected in the accompanying sworn declarations of Darryl J. Anderson and Patricia A. Dowling, Mr. Anderson and Ms. Dowling confirmed the time the Brief was filed by reference to Ms. Dowling's computer from which it was sent, by reference to Mr. Anderson's cell phone that agrees, within five seconds, with the time shown on Ms. Dowling's computer, and by confirming the correctness of the time on Ms. Dowling's computer and Mr. Anderson's cell phone by reference to the recorded time announcement from the Telephone company (202-844-2525). At the time the Brief was submitted for filing, Ms. Dowling's computer time and Mr. Anderson's cell phone time were set within five seconds of the telephone time recording.

For these reasons, it appears that the time on the Commission's computerized system was set approximately two minutes fast when the APWU's Initial Brief was submitted for filing, and that the Initial Brief of the APWU in this matter was timely filed.

Accordingly, the APWU hereby respectfully moves the Commission to correct its docket to reflect the fact that the APWU's Initial Brief in this matter was timely filed.

Respectfully submitted,

Darryl J. Anderson

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Docket No. R2005-1

DECLARATION OF DARRYL J. ANDERSON

I, Darryl J. Anderson, in lieu of an affidavit as permitted by 28 U.S.C. Section 1746, declare as follows:

1. I am an attorney with O'Donnell, Schwartz & Anderson, P.C., 1300 L Street, N.W., Suite 1200, Washington, D.C. 20005. I represent the American Postal Workers Union, AFL-CIO in the above-captioned matter.
2. On September 26, 2005, I prepared the Initial Brief of the APWU in this matter for filing in this matter, with the assistance of Patricia A. Dowling, an employee of this firm.
3. At approximately 4:28 p.m. on September 26, 2005, as I watched her do so, Ms. Dowling transmitted the APWU's Initial Brief in this matter to the Commission for filing in accordance with the appropriate procedures for filing documents in this case. Ms. Dowling immediately received in return a message indicating that the Brief had been received after 4:30 p.m. and would not be filed until the next day.
4. When the message arrived stating that the Brief had been received in an untimely manner, Ms. Dowling's computer indicated that it was 4:29 p.m. I then checked my cell phone time and verified that it agreed with Ms. Dowling's computer. As a triple check, Ms. Dowling and I placed her telephone on speaker and dialed (202) 844-2525 to listen to the recorded announcement of the time. We compared the

recorded time announcement to Ms. Dowling's computer and to my cell phone and ascertained that her computer and my cell phone were reporting times within five seconds of the time on the telephone recording.

5. We concluded from these events that the Commission's computerized docketing system is reporting a time that is approximately two minutes fast.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 26, 2005.

Darryl J. Anderson
Counsel for American Postal Workers Union, AFL-CIO

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Docket No. R2005-1

DECLARATION OF PATRICIA A. DOWLING

I, Patricia A. Dowling, in lieu of an affidavit as permitted by 28 U.S.C. Section 1746, declare as follows:

1. I am an employee of O'Donnell, Schwartz & Anderson, P.C., 1300 L Street, N.W., Suite 1200, Washington, D.C. 20005.
2. On September 26, 2005, I assisted attorney Darryl J. Anderson in the preparation of the Initial Brief of the APWU in this matter.
3. At approximately 4:28 p.m. on September 26, 2005, as Mr. Anderson watched me do so, I transmitted the APWU's Initial Brief in this matter to the Commission for filing in accordance with the appropriate procedures for filing documents in this case. I immediately received in return a message indicating that the Brief had been received after 4:30 p.m. and would not be filed until the next day.
4. When the message arrived stating that the Brief had been received in an untimely manner, my computer indicated that it was 4:29 p.m. I then watched as Mr. Anderson checked his cell phone time. Mr. Anderson and I observed that his cell phone time agreed with the time shown on my computer. As a triple check, Mr. Anderson and I placed my telephone on speaker and dialed (202) 844-2525 to listen to the recorded announcement of the time. We compared the recorded time announcement to my computer and to Mr. Anderson's cell phone and ascertained

that my computer and his cell phone were reporting times within five seconds of the time on the telephone recording.

5. We concluded from these events that the Commission's computerized docketing system is reporting a time that is approximately two minutes fast.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 26, 2005.

Patricia A. Dowling