

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

Complaint on Electronic Postmark®)

Docket No. C2004-2

Motion of DigiStamp to Postpone Filing of
Reply Briefs Until October 20, 2006

I ask that the Presiding Office modify the procedural schedule established in Presiding Officer Ruling No. C2004-2/7, August 18, 2006, which provided for a filing date of October 13, 2006, for reply briefs.

The reason that I so move is that the Postal Service filed an initial brief on October 6 that contains grossly erroneous, misleading statements that I feel I must address. Specifically, at page 27, the Postal Service states that, "in this Microsoft application, use of the return receipt function is the purpose of the Microsoft application . . . but that is not the purpose of the USPS EPM." Nothing could be further from the truth. The attorneys who write the brief clearly lack the technical expertise to understand how EPM functions. Witness Foti never made the statements attributed to him by the Postal Service attorneys. If witness Foti does, in fact, believe these statements to be true, then he lacks the technical credentials he ought to have as one of EPM's managers.

I am filing another motion today in which I ask the Presiding Officer to allow me to supplement my surrebuttal testimony with a brief explanation of the correct technical functions of EPM. As chief technologist of DigiStamp (I am also

an engineer), I can provide an accurate description of how EPM actually does work. I think it is very important to make the record clear and accurate on this point. I would not have filed this motion (or the motion to be permitted to supplement my surrebuttal testimony) if the Postal Service had not given such a false picture of EPM's operation.

In fairness to the Postal Service, I suggest postponing the date for filing reply briefs until October 20, 2006, so that the Postal Service can have an opportunity to respond to this motion and the other motion I am filing today, and to digest my supplemental testimony.

Respectfully submitted,

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