

ORDER NO. 61

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Dan G. Blair, Chairman;  
Mark Acton, Vice Chairman;  
Ruth Y. Goldway; and  
Tony L. Hammond

Complaint on Bound Printed Matter

Docket No. C2008-2

ORDER DENYING MOTION AND  
ESTABLISHING DATE FOR STATEMENT

(Issued February 21, 2008)

The Postal Service requests that proceedings in this docket be suspended temporarily to enable the Postal Service to present to the Governors for their consideration “classification changes intended to resolve the substance of the instant Complaint.”<sup>1</sup> The Postal Service indicates that if the Governors approve the changes, it will give notice in accordance with the Commission’s rules and, in a separate pleading, explain how the action resolves the Complaint. If the changes are not approved, the Postal Service states that it will give notice no later than April 4, 2008, so that appropriate further proceedings may ensue at that time. *Id.*

The complainant did not submit an answer opposing the Motion.

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<sup>1</sup> Motion of the United States Postal Service to Suspend Proceedings Temporarily, February 4, 2008, at 1 (Motion).

The Motion is denied. The Complaint was filed January 3, 2008. Pursuant to section 3662(b)(1) of title 39, the Commission must act within 90 days of receiving a complaint either by finding that it raises material issues of fact or law or by dismissing it.<sup>2</sup> The 90-day period for the Commission to consider the instant Complaint expires April 2, 2008. The schedule proposed by the Postal Service, which may extend beyond the 90-day period, does not adequately accommodate the statutory requirements of section 3662.

In lieu of stating its position on the Complaint, the Postal Service filed its Motion, contending that “suspension would allow Postal Service an opportunity to resolve the substance of the instant Complaint without further proceedings.”<sup>3</sup> The Postal Service indicates further that, should its Motion be denied, it would file an appropriate statement of its position. *Id.*

The Postal Service’s statement of position is due no later than March 7, 2008. See 39 C.F.R. §§ 3001.84(b) and (c).

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<sup>2</sup> A complaint not acted on in timely fashion is deemed dismissed. 39 U.S.C. § 3662(b)(2).

<sup>3</sup> Answer of the United States Postal Service, February 4, 2008, at 4.

*It is ordered:*

1. The Motion of the United States Postal Service to Suspend Proceedings Temporarily, filed February 4, 2008, is denied.
2. The Postal Service's statement of position with respect to the Complaint is due no later than March 7, 2008.

By the Commission.

Steven W. Williams  
Secretary