

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

Postal Regulatory Commission
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COMPLAINT OF CAPITAL ONE
SERVICES, INC.

Docket No. C2008-3

**MOTION FOR FURTHER EXTENSION OF TIME TO FILE ANSWER
TO POSTAL SERVICE'S MOTION FOR PARTIAL RECONSIDERATION**

(May 13, 2009)

Capital One Services, Inc. ("Capital One") respectfully requests additional time to file its Answer to the Partial Response of the United State Postal Service to Order No. 208 and Motion for Partial Reconsideration, filed May 8, 2009 ("USPS Motion"). P.O.R. No. C2008-3/43 (May 8, 2009), accelerated the date for answers to the USPS Motion from May 15, to May 12, 2009. P.O.R. No. C2008-3/44 (May 11, 2009) subsequently granted Capital One a one-day extension of time due to counsel's previous travel plans.

Capital One requests until Monday, May 18, 2009, to file its response for the following reasons: (1) In reviewing the 2,300 pages from Group 1 documents produced by the Postal Service on May 11, 2009, Capital One discovered that, although the pages were left at the Postal Service in consecutive order, in the course of copying the documents, the pages became completely out of order. This requires Capital One to reorganize the pages sequentially, and, so far, it appears that several hundred pages are missing. Capital One would like time to check with the Postal Service and to determine the exact pages that are missing for its Answer. (2) The Postal Service filed additional documents yesterday under seal, which Capital One attempted to obtain, but the PRC Dockets Department was unable

to ascertain the procedures for releasing the material. It is possible that these documents may address some of the concerns Capital One would otherwise raise in its Answer, but obtaining these documents and reviewing them may take some time. (3) It now appears that several discovery requests to the Postal Service have "fallen through the cracks," and the Postal Service has filed neither an objection nor a response to them by the applicable deadlines. Capital One would like to check with the PRC Dockets Department and with the Postal Service before raising this matter in its Answer.

Capital One believes that, given the upcoming weekend, the additional time would not prejudice any party. We respectfully request that Capital One's Answer to the Motion for Partial Reconsideration be due on Monday, May 18, 2009.

Respectfully submitted,

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