

The Postal Service's justification for the Motion is that it is a burdensome request given the current state of the Postal Service's data and accounting systems. Motion at 3. Indeed, the Postal Service represents that the research undertaken to review the information required to respond to Question 15 "has detracted from the Postal Service's ability to tend to other aspects of this litigation." The Public Representative can verify this latter assertion. Many of the Postal Service's responses to Public Representative Interrogatories have been untimely filed – just yesterday, the Postal Service filed a motion for late acceptance for a Public Representative Interrogatory that was due over seven weeks earlier.³

The Postal Service also argues that in light of the progress toward completion of the prescreening process since the end of July and the narrowing of the number of facilities still under consideration for closure, the value of much of the information at issue in response to Question 15 "would seem to be greatly diminished." Motion at 5. The Public Representative takes issue with this assertion. While the Postal Service may consider the prescreening process largely complete, under 39 U.S.C. 3661, the Commission is required to review the process. The fact that the process is partially completed does mean that the Commission must find that the Initiative comports with the policies of title 39. Such "ends justify the means" logic is contrary to the purpose of section 3661.

The Public Representative is sympathetic to the issues the Postal Service discussed in its Motion with respect to the adequacy of its accounting and data systems for purposes of the Initiative. Accordingly, the Public Representative does not oppose the relief sought by the Postal Service in its Motion. However, the Public Representative believes that the factual representations about the state of the Postal Service's accounting and data systems and the reasons why the Postal Service cannot timely respond to Commission Information Request No. 1, Question 15 may be material

³ See Motion of the United States Postal Service for Late Acceptance of Filing Response to Public Representative Interrogatory PR/USPS-T1-6, September 1, 2009.

to this proceeding. Specifically, this information demonstrates what the Postal Service did not consider in formulating and carrying out the Initiative.

Therefore, the Public Representative requests that the Commission deem the Motion to be part of the Postal Service's response to Commission Information Request No. 1, Question 15.⁴ This will allow participants to designate the factual information contained within the Motion as part of the Administrative Record in this case for use in briefs to the Commission.⁵

Respectfully Submitted,

/s/ Robert Sidman

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⁴ Alternatively, the Commission could require the Postal Service to file the factual information contained within the Motion as a separate response to Commission Information Request No. 1, Question 15.

⁵ Traditionally, motions and factual information contained in motions are not typically eligible to be included in the Administrative Record. The Public Representative is asking the Commission to alter that practice here.