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

COMPLAINT OF PERSONAL ASSISTANCE SERVICES COUNCIL	Docket No. C2010-1

MOTION OF PERSONAL ASSISTANCE SERVICE COUNCIL FOR LATE ACCEPTANCE OF NON-OPPOSITION TO POSTAL SERVICE'S MOTION TO DISMISS WITHOUT PREJUDICE

(January 8, 2010)

Personal Assistance Services Council ("PASC") respectfully submits this motion for late acceptance of its non-opposition to the United States Postal Service's motion to dismiss without prejudice ("this Motion"). On December 4, 2009, PASC filed a complaint under 39 U.S.C. § 3662 and 39 C.F.R. §§ 3030 and 3031 ("Complaint"), requesting that the Postal Regulatory Commission ("Commission") grant PASC authorization to send mail at Nonprofit Standard Mail Rates. On December 24, 2009, the United States Postal Service ("Postal Service") filed a motion to dismiss the Complaint without prejudice ("Motion to Dismiss"). In its motion, the Postal Service argued that PASC did not make a meaningful attempt to resolve or settle the dispute prior to filing the Complaint under 39 C.F.R. § 3030.10(a)(9).

Unfortunately, PASC did not learn that the Postal Service filed the Motion to Dismiss until January 5, 2010. Counsel for PASC was not receiving e-mail notifications from the Commission's website and, due to the holidays, did not have an opportunity to check the docket to verify that a Motion to Dismiss was filed. On January 5, 2010, Patricia Gallagher, a representative from the Commission, contacted John Ly, counsel for PASC, and informed him about the pending Motion

to Dismiss.

Although PASC believes that it met the requirements of 39 C.F.R. § 3030.10(a)(9) prior to filing the Complaint, it will not seek to oppose the Motion to Dismiss. In particular, PASC wants to exercise every available opportunity to meet and confer with the Postal Service to resolve this dispute in good faith without prejudice to its rights before taking further action in the Commission. For the reasons set forth, PASC respectfully requests that the Commission grant this Motion.

Dated: January 8, 2010

JONES DAY

By: _____
John Ly

Attorneys for Plaintiff
PERSONAL ASSISTANCE SERVICES COUNCIL

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Certificate of Service

I hereby certify that I have of this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

_____
John Ly