

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

SIX-DAY TO FIVE-DAY STREET DELIVERY
AND RELATED SERVICE CHANGES, 2010

Docket No. N2010-1

REPLY OF THE UNITED STATES POSTAL SERVICE TO MOTION OF THE
AMERICAN POSTAL WORKERS UNION
FOR LATE ACCEPTANCE OF THE FILING OF ITS INITIAL BRIEF

The United States Postal Service hereby files this reply to the above-referenced motion of the American Postal Workers Union.

Three calendar days after all Initial Briefs in this docket were due and only three days before Reply Briefs are due, APWU filed its Initial Brief yesterday. In its motion for late acceptance, APWU avers that “the press of other business and coordination between responsible parties” caused the brief to be filed “one business day late.” APWU asserts the claim that “no party will be prejudiced by this minimal delay.”

Under the circumstances of this docket, the delay is far from *minimal*. And it is presumptuous not to concede that the prejudice could well be severe. APWU offers no description in its motion of any effort to alert other parties before or after 4:30p.m. on the day the brief was due¹ that a late brief was forthcoming or when to expect it.

Accordingly, parties who since last Friday have been laboring to meet the 4:30p.m. Thursday, October 21 Reply Brief deadline to respond to the various timely-filed Initial Briefs will have very little time to circulate the late APWU brief to stakeholders, and to

¹ Or whenever it was before then that APWU knew its Initial Brief would be late.

research and analyze the arguments and the 70 record citations it contains before crafting replies.

To a degree that there has yet been time to assess, the APWU Brief may include arguments already offered in some of the timely-filed Initial Briefs that parties will have the allotted six-day opportunity to analyze and rebut. To that degree only, APWU's late filing may not be prejudicial. However, the late APWU Initial Brief may also raise unique arguments that the parties will have had precious little time to review and analyze and attempt to rebut by the deadline two days from today.

On the assumption that the Commission intends to bind the parties to the current October 21st Reply Brief deadline, the Postal Service moves that the Commission mitigate any prejudice caused by the late APWU filing by declaring its intent to consider only those arguments submitted by APWU that are not unique to its late Initial Brief and that were already reflected in the timely-filed Initial Briefs of the other parties.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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