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UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Before Commissioners:

Edward J. Gleiman, Chairman;
W.H. "Trey" LeBlanc III, Vice Chairman;
Dana B. Covington, Sr.; Ruth Y. Goldway; and
George A. Omas

Complaint on Post E.C.S.

Docket No. C99-1

ORDER GRANTING MOTION OF COMPLAINANT
UNITED PARCEL SERVICE FOR EXTENSION OF TIME
TO RESPOND TO MOTION TO DISMISS

(November 18, 1998)

The United States Postal Service responded to the instant Complaint of United Parcel Service (UPS) in an Answer filed on November, 5, 1998.¹ On the same date, the Service submitted a motion to dismiss the Complaint.²

On November 12, the Complainant filed a motion³ requesting that the deadline for filing its response to the Postal Service's motion be extended by 30 days, to December 16, 1998. In support of its motion, UPS states that counsel is currently occupied in preparing the UPS brief on appeal from the Decision of the Governors in Docket No. R97-1, due for filing with the United States Court of Appeals for the District of Columbia Circuit on November 16, the date a response to the Service's motion would be due in accordance with section 21(b) of the Commission's rules of practice [39 C.F.R. § 3001,21(b)]. For this reason, and in light of the serious issues raised in the Service's motion concerning the proper administration of the Reorganization Act, UPS states that it will be unable to respond adequately to the Service's motion on a timely

¹ Answer of the United States Postal Service, November 5, 1998.

² Motion of the United States Postal Service to Dismiss, November 5, 1998.

³ Uncontested Motion of United Parcel Service for Extension of Time to Respond to Motion to Dismiss, November 12, 1998.

basis. It also states that Postal Service counsel has authorized UPS to inform the Commission that the service does not object to the requested extension.

In view of the circumstances cited by Complainant and the Postal Service's apparent acquiescence, the motion of United Parcel Service shall be granted. As UPS has requested, a response to the Postal Service's Motion to Dismiss will be due by December 16, 1998.

It is ordered:

1. The Uncontested Motion of United Parcel Service for Extension of Time to Respond to Motion to Dismiss, filed November 12, 1998, is granted.

2. The deadline for responding to the Motion of the United States Postal Service to Dismiss is December 16, 1998.

By the Commission

(S E A L)



Margaret P. Crenshaw
Secretary