

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

In the Matter of:
Parlin Post Office
Colorado 81239

Docket No: A2012-102

OBJECTION TO THE "MOTION OF THE
UNITED STATES POSTAL SERVICE FOR LATE ACCEPTANCE OF COMMENTS
REGARDING APPEAL"

COMES NOW the Intervenor, Board of County Commissioners of the County of Gunnison, Colorado (hereinafter "County Commissioners"), by and through David Baumgarten, Gunnison County Attorney, and objects to the "Motion of the United States Postal Service For Late Acceptance Of Comments Regarding Appeal" dated February 22, 2012 as follows:

1. The Notice And Order Accepting Appeal And Establishing Procedural Schedule, dated January 5, 2012, identified February 15, 2012 as the due date for an "answering brief in support of the Postal Service." The Notice And Order did not permit the filing by the Postal service of a document styled as "Comments." Therefore, the "Comments" are either:

- a. Not Allowed – and the Motion of the United States ought be denied; or
- b. Late – without good cause – and the Motion of the United States ought to be denied.

2. 39 CFR 3001 et seq. makes no provision for the Postal Service to file "Comments"; neither does the Notice And Order.

3. 39 CFR 3001.16, Continuances and extensions of time, states: "requests for extension of time shall be by written motion timely filed ..." That is, the request must be made before time has expired. The Motion of the United States to accept "Comments" was not filed until 7 days after the Answering Brief was due.

4. While 39 CFR 3001.16 allows for a continuance of time for filing for "good cause shown," the Motion of the United States only suggests that "new counsel (had to) review the 'extensive administrative record, confer with field personnel, and prepare the Postal Service Comments.'" However, a cursory review demonstrates that the administrative

record is a scant one volume; preparation of the appeal requires no conferring with field personnel because no new evidence is permitted; and no good cause is given why an extension could not have been requested by the date set in the Notice And Order.

5. CFR 3001.21, Motions, requires that a motion must "set forth ... the statutory or other authority relied upon..." The Motion of the United States sets forth no authority whatsoever.

WHEREFORE it is requested that the Motion of the United States be denied.

Respectfully submitted this 27th day of February, 2012.

Handwritten signature of David Baumgarten in black ink, written over a horizontal line.

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