

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

DSCF STANDARD MAIL LOAD LEVELING

Docket No. N2014-1

**UNITED STATES POSTAL SERVICE MOTION FOR LEAVE TO FILE A REPLY
BRIEF IN RESPONSE TO THE REPLY AND SUPPLEMENTAL BRIEF OF THE
PUBLIC REPRESENTATIVE**

(March 6, 2014)

Pursuant to Rule 21 of the Rules of Practice and Procedure of the Postal Regulatory Commission (Commission), the United States Postal Service (Postal Service) hereby moves for leave to file a brief in response to the Reply and Supplemental Brief of the Public Representative (PR's Reply Brief). Accordingly, the Postal Service has filed a Supplemental Reply Brief of the United States Postal Service in Response to the Reply and Supplemental Brief of the Public Representative (Postal Service's Supplemental Reply Brief) concurrently with this Motion.

On February 27, 2014, the Public Representative filed a Motion to Supplement Public Representative's Brief (PR's Motion to Supplement) and the Public Representative's Reply Brief. In the Motion to Supplement, the Public Representative identified that the Postal Service filed an interrogatory response on February 19, 2014 (one day prior to the deadline for initial briefs) and library references on February 21, 2014 (one day after the deadline for initial briefs). The Public Representative requested, "[t]o the extent that the use of the library references and interrogatory response is outside the scope of the reply brief,"

that the Commission treat the discussion “as a supplement to her initial brief.”
PR’s Motion to Supplement at 1.

The Postal Service does not oppose the Public Representative’s Motion to Supplement to the extent that the Public Representative’s Reply Brief contains arguments based on information unavailable to the Public Representative at the time that the initial briefs were due in this docket, and provided that the Postal Service has an opportunity to address such supplemental arguments (namely, chapter III of the brief).¹ Therefore, the Postal Service files the instant motion seeking leave to respond to the supplemental portions of the Public Representative’s Reply Brief. By permitting both the Public Representative’s analysis of the materials not available at the time that initial briefs were due, and the Postal Service’s response to such analysis, the Commission will have a more complete basis on which to offer its advisory opinion, and will avoid causing prejudice to either party.

As such, the Postal Service respectfully requests that the Commission grant the Postal Service leave to file its Supplemental Reply Brief.

¹ In a separate pleading filed today, the Postal Service is moving to strike portions of the Public Representative’s Reply Brief on grounds that sections of that pleading reflect an attempt to present testimony after the close of the record, treat as evidence comments and other alleged statements that were not admitted as evidence, formulate positions that lack a basis in the evidentiary record, and contain arguments that could have been raised in its initial brief.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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