

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 202268-0001

NORTH PLATTE MAIN POST OFFICE,
NORTH PLATTE, NE 69101

DOCKET NO. A2015-3

RESPONSE TO MOTION TO DISMISS

COMES NOW Petitioner, Dwight Livingston, by and through his attorney, Douglas L. Stack, and responds to the Motion to Dismiss filed by the Postal Service herein as follows:

1. By Order of the Postal Regulatory Commission dated April 21, 2015, the United States Postal Service was ordered to file the applicable Administrative Record regarding this appeal no later than May 1, 2015.

2. The United States Postal Service has failed to comply with the Order of the Postal Regulatory Commission to file the Administrative Record.

3. Without the benefit of the Administrative Record, Petitioner is denied the opportunity to gather and review facts contained in the Administrative Record to challenge the assertions contained in the United States Postal Service Motion to Dismiss.

4. The assertions contained in the Motion to Dismiss filed by the United States Postal Service are not evidence and therefore fail to support the position of the United States Postal Service that 1) The Postal Regulatory Commission lacks jurisdiction to review this matter, and 2) that even if the Commission has jurisdiction to review this matter, the United States Postal Service has complied with its own regulations.

WHEREFORE, Petitioner prays the Commission for an order overruling the Motion to Dismiss by the United States Postal Service in this matter, and renews its request that the United States Postal Service file its Administrative Record in this matter.

Respectfully Submitted,

DOUGLAS L. STACK, NE #16377
Attorney for Dwight Livingston,
Mayor City of North Platte