

ORDER NO. 3372

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Acting Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton; and
Tony Hammond

Section 701 Report

Docket No. PI2016-3

ORDER GRANTING EXTENSION OF TIME TO FILE COMMENTS

(Issued June 15, 2016)

I. INTRODUCTION AND BACKGROUND

On June 14, 2016, the National Association of Letter Carriers, AFL-CIO (NALC) filed a motion, pursuant to 39 C.F.R. § 3001.16, for a 1-week extension of time to file its comments.¹ The deadline for submitting comments to the Commission was June 14, 2016.² As justification for its Motion, NALC simply cites its “[failure] to calendar the June 14 deadline” and now claims that the “press of other business” prevents it from preparing its comments by the deadline set forth in the Order No. 3238. Motion at 1.

Requests for extension of time are evaluated pursuant to the Commission’s Rules of Practice and Procedure. The Commission may grant an extension “upon a

¹ Motion by the National Association of Letter Carriers, AFL-CIO for Extension of Time to File Comment, June 14, 2016 (Motion).

² Notice and Order Seeking Comments on Report to the President and Congress Pursuant to Section 701 of the Postal Accountability and Enhancement Act, April 14, 2016, at 14 (Order No. 3238).

motion for good cause shown.” 39 C.F.R. § 3001.16. The request must be timely filed and state the facts supporting the extension. *Id.*

II. DISCUSSION

As stated above, requests for extension may be granted only upon a motion for good cause shown. NALC’s proffered reasons necessitating the extension—“[failure] to calendar” and now the “press of other business”—provide barely the minimum level of good cause acceptable to the Commission. Order No. 3238 provided a 60-day period in which to contemplate and prepare written comments. Undoubtedly, many of the other commenters were able to submit timely comments despite challenges with calendaring the deadline and the existence of other business matters requiring their attention.

Nevertheless, the nature of this docket, as well as NALC’s timely filing of the Motion under the Commission’s regulations for considering such motions, support granting the extension in this limited instance. Order No. 3238 sought comments from interested parties in an effort to gather as much information and as many different perspectives as possible on the effectiveness of the amendments of the Postal Accountability and Enhancement Act. Unlike in adversarial cases, this public inquiry docket does not carry the risk of the perception that a participant might receive an unfair advantage by its late filing. Indeed, it does not appear that an extension of the deadline through June 17, 2016, will cause prejudice to any interested party in this matter. The Commission, however, cautions NALC that this limited extension period is not to be used as an opportunity to review or reply to timely-filed comments. The Commission will not consider any comment it reasonably believes to be a direct reply to a timely-filed comment.

The Commission notes that its Rules of Practice and Procedure are not mere suggestions, but requirements of all parties before it. The deadlines set forth in Commission orders are done so with careful reasoning, and the Commission expects that all parties will adhere to its deadlines, particularly in instances where ample opportunity was provided.

For the foregoing reasons, NALC's request for a 1-week extension of time to file comments is denied, but the Commission grants an extension of 3 days, through June 17, 2016, for NALC to file comments.

III. ORDERING PARAGRAPH

It is ordered:

The deadline for the National Association of Letter Carriers, AFL-CIO to file comments is extended through June 17, 2016.

By the Commission.

Stacy L. Ruble
Secretary