BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

CHARLES HARTER, )

COMPLAINANT )

In the Matter of a Proposed Amendment to )AX-2023-0287

Commission Rule 20 CSR 4240-13.050

Regarding Discontinuance of Service )

RESPONSE TO STAFF MOTION FOR EXTENSION OF TIME

COMES NOW petitioner Charles Harter and in response to the staff Motion for Extension of Time, agrees with staff and states as follows:

1. Any data received from the utilities will be incomplete to examine the proposed amendment to rule without data from the United States Postal Service (USPS), which exclusively controls its own postmark, which is the sole concern of the proposed amendment.
2. Petitioner was unable to obtain data from the USPS due to lack of financial resources and federal regulations which hold as follows;
3. 39 CFR 265.12 (g) (1) (1) The Postal Service may charge fees, not to exceed actual costs, to private litigants seeking testimony or records by request or demand. (3) costs may be estimated and collected before testimony is given.
4. Staff may need an extension of time to make arrangements as required by regulations 39 CFR 265.12 (d)” Procedures followed in response to a demand for testimony or records. (1) After an employee receives a demand for testimony or records, the employee shall immediately notify the General Counsel or Chief Field Counsel and request instructions” and by (d)(4) “The General Counsel may establish conditions under which the employee may testify. If the General Counsel authorizes the testimony of an employee, the party seeking testimony shall make arrangements for the taking of testimony by those methods that, in the General Counsel’s view, will least disrupt the employee’s official duties.”
5. Further regulations can be found at 39 CFR 230.10 “**(1)** This section sets forth the ***Touhy*** regulations of the U.S. [Postal Service](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=22f138c1083eb4965e293a8ee94b69e2&term_occur=999&term_src=Title:39:Chapter:I:Subchapter:D:Part:230:Subpart:B:230.10) Office of Inspector General. It applies to situations where an [employee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=dfd5942ac6b5c44b462c652a5772b003&term_occur=999&term_src=Title:39:Chapter:I:Subchapter:D:Part:230:Subpart:B:230.10) of the Office of Inspector General has been summoned, subpoenaed, or given a court order to produce [documents](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5019cd6e060f071457975202d1c8e9c4&term_occur=999&term_src=Title:39:Chapter:I:Subchapter:D:Part:230:Subpart:B:230.10) or provide testimony in connection with any Federal, State, local court, administrative, or legislative proceeding. **(2)** This section does not apply to: **(i)** Proceedings where the United States, the [Postal Service](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=22f138c1083eb4965e293a8ee94b69e2&term_occur=999&term_src=Title:39:Chapter:I:Subchapter:D:Part:230:Subpart:B:230.10), or any other Federal agency is named as a party;”
6. A review of these regulations may reveal that an extension of time is required to allow staff to conform data requests to federal procedure in a timely manner to establish what is and what was the protocol for USPS postmarks and the history of issuing them vel non.

WHEREFORE complainant prays that this Honorable Commission grant the motion for extension of time of the staff to allow staff to explore data requests both from utilities and from the United States Postal Service and for such other and further orders as are proper in the premises.

Respectfully submitted

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