

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate and Fee Changes, 2006]

DOCKET NO. R2006-1

INITIAL BRIEF OF DAVID B. POPKIN

December 21, 2006

Respectfully submitted,

R20061BRIEF

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

FOREVER STAMP

In Docket R2006-1, the Postal Service has proposed the implementation of a Forever Stamp. The object of the Forever Stamp is to allow purchasers of this stamp the ability to use it at any time in the future to mail a one-ounce single-piece First-Class Mail letter. This will allow mailers to avoid the necessity of having to purchase and utilize make-up stamps to cover the rate for their one-ounce single piece letter mail.

The advantages of the Forever Stamp will be the reduced retail activity at the time of a rate change as well as the income that will be earned on the float for stamps purchased prior to use. It will also provide for favorable public relations with the mailing public.

The implementation of the Forever Stamp raises a number of questions. Most of these have been potentially resolved during discovery. The following concerns exist:

ITEM 1. When will the Forever Stamp regulations [DMCS and DMM] become effective? Will they be made effective prior to the implementation of the change in the First-Class Mail rates? In other words, will mailers be able to purchase the stamps at the existing rate of 39¢ and then utilize them when the rate changes to the proposed

42¢ or will they have to wait until the next rate cycle [the 42¢ to the potentially 45¢ rate] before being able to take advantage of the program?

ITEM 2. Will the Forever Stamp be limited for use only on a one-ounce single-piece First-Class Mail letter or will it be able to be used on all classes of mail for which the regular denominated and non-denominated stamps may presently be utilized?

ITEM 3. If Forever Stamps are permitted to be utilized for all classes of mail for which the regular denominated and non-denominated stamps may presently be utilized, will they be accepted at a postage value of what they were when they were originally purchased or will they be accepted at the then current one-ounce single-piece First-Class Mail letter rate?

ITEM 4. Will the current denominated postage stamp of the current one-ounce single piece First-Class Mail letter rate [currently 39¢] be able to be utilized as Forever Stamps at the next rate cycle [proposed to be 42¢] as is being implemented in Canada?

ITEM 5. The Postal Service has made a distinction between the intended use of the Forever Stamp to a use of the Forever Stamp that they claim will be tolerated.

ITEM 1 - IMPLEMENTATION DATE FOR THE FOREVER STAMP

There are two choices for an implementation date for the Forever Stamp. The Postal Service has proposed to wait on implementing the Forever Stamp concept with the next rate cycle, namely, R2007-1 or later. This would be accomplished by making the proposed Forever Stamp DMCS sections effective at the same time as the change in the First-Class Mail letter rates. Therefore, mailers purchasing Forever Stamps would be required to pay the proposed rate of 42¢ for them and be able to utilize them on mail requiring 42¢ postage.

The second alternative that I am suggesting is that the proposed Forever Stamp DMCS sections be made effective a short period of time, perhaps one month or so, before the implementation of the new First-Class Mail rates.

There are a number of "problems" or concerns with the Postal Service's plan.

Normally, the Postal Service will sell the stamps for the new First-Class Mail letter rate prior to the effective date of that new rate. For example, the first 39¢ non-denominated Lady Liberty and U.S. Flag stamps were placed on sale on December 8, 2005, one month before the 39¢ rate went into effect on January 8, 2006. This allows mailers a period of time to be able to purchase the new stamps to have them ready for use when the rate becomes effective.

The Postal Service has indicated that the Forever Stamp will become the "workhorse" stamp for the proposed 42¢ letter rate. It would appear that the Postal Service will be selling Forever Stamps for a period of time before the apparent effective date of the new rates of May 6, 2007, at a price of 42¢ each.

For purposes of discussion, let us assume that the Postal Service places these new Forever Stamps on sale on April 6, 2007, one month prior to implementing the 42¢ letter rate on May 6, 2007, and charges 42¢ each for them. Since the new DMCS Forever Stamp sections will not become effective until the May 6th date,

a. what authority does the Postal Service have to sell these stamps at all during the period from April 6th to May 5th?

b. what authority does a mailer have to even utilize one of these Forever Stamps on a mailpiece during the period from April 6th to May 5th?

c. if a mailer utilizes one of these Forever Stamps during the period from April 6th to May 5th, what value will the stamp have - the current First-Class Mail single piece letter rate of 39¢ or the 42¢ price that was paid for the stamp?

Selling the Forever Stamp for an initial price of 42¢ either during the nominal one month period prior to the rate increase or even starting after the proposed May 6th increase will defeat the purpose of the stamp and delay its intended purpose until the rates are increased at some time in the future. It will also go against all of the claimed publicity that has been released on the concept of the Forever Stamp, namely, buy it now at the current letter rate and use it later at the new letter rate.

If the Forever Stamp is being promoted as a good idea both for the Postal Service and for the mailing public, why is its practical implementation being delayed until the next rate cycle?

Furthermore, the Postal Service claims that it will be studying the public's use of the Forever Stamp. It would appear that there are a number of items that can be studied. If the Forever Stamp will be the "workhorse" stamp, then the percentage of one ounce letters that utilize the Forever Stamp vs. utilizing a denominated 42¢ stamp [if such a stamp will even be issued] is meaningless. Since the stamps are being sold for 42¢ and have a value of 42¢, their use on other than one ounce letters will also not provide useful data.

It would appear that the only useful study that can be conducted is to determine the percentage of mailers that utilize a Forever Stamp to pay for a one ounce letter when there is a differential between the price that they paid for the stamp vs. the current rate for the service or to determine the uses made on other than one ounce letters when the stamps are being used with a savings of the differential between the current one ounce letter rate and the price paid for the Forever Stamp [for example, if a mailer utilizes ten Forever Stamps to pay for the \$4.50 postage on a parcel when the stamps were purchased at 42¢ each and the current one-ounce letter rate is 45¢]. None of these studies can be implemented until there is a differential between the current one ounce letter rate and the price paid for the Forever Stamp at a previous one ounce letter rate.

ITEM 2 - PERMITTED USE FOR THE FOREVER STAMP

In his Testimony USPS-T-48, Witness Taufique proposes the following changes in the DMCS to allow for the introduction of the Forever Stamp.

VI. CLASSIFICATION PROPOSAL

I propose changes to the Domestic Mail Classification Schedule to include provisions for the Forever Stamp. Specifically, I propose adding a new paragraph: Section 241. This new section would follow the section titled "Postage and Preparation", and would read as follows:

241 FOREVER STAMP

Postage for the first ounce of a First-Class Mail Single Piece letter may be paid through the application of a Forever Stamp. The Forever Stamp is sold at the prevailing rate for Single Piece Letters, First Ounce, in Rate Schedule 221. Once purchased, the Stamp may be used for first ounce letter postage at any time in the future, regardless of the prevailing rate at the time of use.

For clarification, I am also proposing the following addition (in underline) to Section 3030.

3030 Payment of Postage and Fees

Postage must be fully prepaid on all mail at the time of mailing, except as authorized by law or this Schedule. The use of the Forever Stamp, as described in section 241, is considered full prepayment of postage for the first ounce of First-Class Mail, Single Piece Letters. Except as authorized by law or this Schedule, mail deposited without prepayment.....

I also propose the addition of a fifth "Note" for Rate Schedule 221. Attachment A, page 4, to the Postal Service Request in this Docket includes four Notes. The fifth would read:

SCHEDULE 221 NOTES

5. The price for Single Piece, First ounce, Letters also applies to sales of the Forever Stamp at the time of purchase.

If one reads the literal wording of the proposed DMCS sections, the use of the Forever Stamp has one use and one use only, namely, to pay the postage for the first ounce of a First-Class Mail Single Piece letter. That is the only use that can be made.

It may not be utilized, with either one or multiple stamps, to pay the part or all of the postage on:

- a. a First-Class Mail Single Piece flat
- b. a First-Class Mail Single Piece parcel
- c. a First-Class Mail post card
- d. Priority or Express Mail
- e. International Mail
- f. Package Services
- g. Special Services such as Certified Mail

It is also questionable whether it can be used to pay the first ounce of a First-Class Mail Single Piece letter when the mailpiece either has non-machinable characteristics that would require the payment of the postage at the flat rate or if the letter is over one ounce in weight. The first ounce could possibly be paid with the Forever Stamp while the additional postage would have to be paid by means of other than the Forever Stamp.

If the use of the Forever Stamp is implemented in accordance with the proposed DMCS changes, this could result in many scenarios that are unacceptable. The following are examples [assuming the proposed rates are implemented]:

- a. A customer puts either one or two Forever Stamps on a one-ounce First-Class Mail flat or parcel. Since the mailpiece is not a letter, the stamps have no value and the mailpiece is returned for postage [after cancelling the Forever Stamps so that they may not be utilized on a future mailing of a one-ounce letter].
- b. A customer puts two Forever Stamps on a two-ounce letter. Since the stamp may only be utilized to pay for the first ounce, the mail will be rated at 20¢ postage due even though from a practical basis it is 22¢ overpaid.

c. A customer puts one Forever Stamp on a post card. Since the mailpiece is not a letter, the stamp has no value and the mailpiece is returned for postage [after cancelling the Forever Stamp so that it may not be utilized on a future mailing of a one-ounce letter].

d. A customer puts eleven Forever Stamps [plus 3¢ additional postage] on a Priority Mail Piece. The Forever Stamps have no value since it is not a one-ounce letter and additional \$4.62 in postage is required.

After considerable discovery by Mr. Carlson and myself, it appears that the Postal Service has relented and will now allow the Forever Stamp to be utilized for any use that postage stamps may now be utilized. This appears in the proposed DMM regulations that appeared in the Federal Register for September 27, 2006 [71 FR 56588] which contained a proposed rule for New Standards for Domestic Mailing Services.

The following is the proposed DMM wording:

604.1.10 Additional Standards for Forever Stamps

Forever stamps are sold for the price of the current First-Class Mail singlepiece 1-ounce letter rate in 133.1.5. The postage value of each forever stamp is the current First-Class Mail single-piece 1-ounce letter rate.

The Postal Service has proposed implementation rules for the use of the Forever Stamp. I agree with the rules as proposed, however, the proposed wording of the Domestic Mail Classification Schedule [DMCS] must now be changed to match the DMM wording that is now being proposed.

If the Postal Service does not change the DMCS wording and the existing wording is approved by the Postal Rate Commission and the USPS Board of Governors, the DMM wording could be changed at a future date to match the then

existing DMCS wording without requiring litigation before the Postal Rate Commission. This is unacceptable.

ITEM 3 - POSTAGE VALUE FOR THE FOREVER STAMP

Once the Postal Service agreed that the Forever Stamp could be utilized on other than the first ounce of a First-Class Mail Single Piece letter, they initially would only allow a postage value for the stamp at its original purchase price as opposed to its current value. For example, assume a customer had a number of Forever Stamps that were purchased at 42¢ at a time in a future rate cycle when the First-Class Mail letter rate was 45¢ for the first ounce and 25¢ for each additional ounce. Further assume that the mailer placed two of these Forever Stamps on a 3-ounce letter. One of the stamps would have a postage value of 45¢ when it pays the postage for the first ounce. The second identical stamp would have a postage value of only 42¢ [its original purchase price] because it was being utilized to pay for the additional ounces and therefore 8¢ in additional postage is required. That results in a confusing scenario which is unacceptable.

Furthermore, this would require the Postal Service to have different designs for different selling prices. Customers and Postal Service employees would have to determine the purchase price for each of the different designs. The Postal Service would have to change retail clerks stock and vending machine stock at the time of the change of rates. This would add to the confusion that already exists at the time of a rate change.

Likewise, after considerable discovery by Mr. Carlson and myself, it appears that the Postal Service has relented and will now allow the Forever Stamp to be valued at the current first-ounce single-piece First-Class Mail letter rate regardless of the original purchase price. This appears in the proposed DMM regulations that appeared in the Federal Register for September 27, 2006 [71 FR 56588] which contained a proposed rule for New Standards for Domestic Mailing Services.

The Postal Service has proposed implementation rules for the use of the Forever Stamp. I agree with the rules as proposed, however, the proposed wording of the Domestic Mail Classification Schedule [DMCS] must now be changed to match the DMM wording that is now being proposed.

If the Postal Service does not change the DMCS wording and the existing wording is approved by the Postal Rate Commission and the USPS Board of Governors, the DMM wording could be changed at a future date to match the existing DMCS wording without requiring litigation before the Postal Rate Commission. This is unacceptable.

ITEM 4 - USE OF A 39¢ DENOMINATED STAMP AS A FOREVER STAMP

On November 16, 2006, Canada introduced its version of the Forever Stamp.¹

The PERMANENT stamp will go on sale at the current domestic rate of 51¢ on **November 16** at postal offices throughout Canada. These stamps will be accepted at the new 52¢ rate effective January 15, 2007 when the basic Lettermail rate increases by one cent.

"Improving Canada Post's responsiveness to customer needs and desires is a critical aspect of building the modern post office," concluded Ms. Greene. "This initiative demonstrates our commitment to enhancing customer satisfaction."

In addition to the PERMANENT stamp, Canadians will also be able to use up their existing stock of 51¢ stamps in 2007. 51¢ stamps will be accepted next year at the 52¢ rate (while supplies last), even after the January 15, 2007 rate increase.

As noted in the third paragraph above, Canada will be allowing the use of the denominated 51¢ stamps, in addition to the "regular" PERMANENT stamps, to pay the 52¢ rate that becomes effective January 15, 2007.

¹ <http://www.canadapost.ca/personal/corporate/about/newsroom/pr/default-e.asp?prid=1182>

The Postal Service should adopt a similar policy which would allow the current 39¢ denominated stamps to be utilized for a period of time as a Forever Stamp and pay the 42¢ rate that is proposed to become effective on May 6th.

ITEM 5 - INTENDED VS. TOLERATED USE OF THE FOREVER STAMP

Once the Postal Service changed its position on the Forever Stamp to allow its use on other than one-ounce single-piece First-Class Mail letters and to determine its postage value at the current rate rather than the original purchase price, it claimed that this use would be a tolerated use.

The Postal Service should not be allowed to characterize this use as one that is being "tolerated". I do not believe that the Postal Service has ever allowed a particular service to be tolerated. The services that the Postal Service provides should be clearly stated as to what may or may not be done. A given Postal Service activity should be relegated to having a "second class" or tolerated use.

FIRST-CLASS MAIL SHAPE RATES

The Postal Service is proposing shape-based rates. To the extent that they will apply to single-piece First-Class Mail, it is important that the various criteria that apply and the appropriate measuring instruments [a template similar to the current Notice 3-A] should be prepared for the use of all mailers but in particular the larger personal mailers and small business mailers, These mailers will have to make numerous evaluations on a continuing basis and should be provided with the necessary information and measuring devices to allow them to determine the proper postage for their mail.

At the present time a mailer only has to determine the weight of a single-piece First-Class Mail article that weighs over 1 and up to 13 ounces in order to determine the proper postage. The shape has no bearing on the required postage. If it weighs under

an ounce, the postage will be 39¢ unless any one or more of a number of nonmachinable criteria apply in which case the postage will be 52¢.

Under the proposed shape-based rates, a mailer must first make a determination for each and every mailpiece, regardless of the weight, whether it is a letter, a flat, or a parcel. After that determination has been made, the mailer must determine for each mailpiece in the letter category, regardless of weight, whether one or more of the nonmachinable criteria apply [in which case it will be considered a flat]². A mailer must also realize that the maximum weight of a letter is 3.5 ounces. Only then can the mailer weigh the mailpiece and determine the proper postage.

Complicating this procedure is the difficulty in measuring the thickness of an envelope-shaped mailpiece. The length and height is fairly straight forward to measure but the thickness requires an indirect measurement of holding the mailpiece up to a ruler and sighting across it along with the parallax that involves. Also complicating the measurement is the compressibility and the decompression that would occur after folding due to the passage of time and/or the change in humidity of the folded sheets of paper that would be placed into an envelope. Under the present regulations this is only critical for the one ounce letter which would be a #10 envelope and 4 or 5 sheets of paper. That few sheets when folded normally will be less than 0.25 inches thick and therefore still be 39¢ postage.

While there may be a cost basis for changing to a shape-based First-Class Mail rate system, the Postal Service must realize the confusion and extra evaluation that is being imposed on the mailing public and attempt to make the transition as smooth as possible.

SINGLE-PIECE/NON-PRESORT BOUND PRINTED MATTER

² Presently, the non-machinable surcharge only applies to one ounce letters. It is proposed to have it apply to all letters, regardless of weight.

Witness Yeh in her Testimony USPS-T-38 inserted a footnote which was designed to eliminate the use of Single-Piece/Non-presort Bound Printed Matter by those users who did not pay the postage by either permit imprint or by means of a postage meter.

Footnote 2 stated the following:

2 In order to reduce the complexity of retail transactions for customers and to simplify window service operations, the Postal Service intends to amend its regulations to require that Bound Printed Matter be paid either by customer-generated postage meter or by permit imprint. Acceptance of Nonpresort Bound Printed Matter will therefore remain available to both business and individual customers at collection points, with delivery/collection personnel, and at business mail entry units. As a result, at the retail window, clerks will describe to customers seeking to mail a large flat or parcel only the options they are most likely to use: Express Mail, Priority Mail, Parcel Post, and Media Mail (if eligible), all of which are easily distinguishable options from a retail customer's perspective.

As a result of discovery, The Postal Service revised footnote 2 to allow for the use of postage stamps to pay the postage on single-piece/non-presort Bound Printed Matter. The revised footnote, filed on August 10, 2006, is as follows:

2 Postal management has determined that BPM will no longer be offered at the retail window. Such pieces will be accepted for entry at the window (and at other mail entry points), if the customer has pre-applied postage. All current forms of payment will be acceptable for BPM Nonpresort. All extra services for which these pieces are eligible will be available. For those extra services that can be effectuated only at the window, it is the Postal Service's intention to establish procedures to accommodate customers who seek to add those services.

The Postal Service indicated that it intends to establish procedures to accommodate customers who seek to add extra services that can be effectuated only at a retail service window. These procedures are not fully contained in the proposed DMM

regulations that appeared in the Federal Register for September 27, 2006 [71 FR 56588]

I oppose the proposal of the Postal Service to deny retail customers access to single-piece/non-presort Bound Printed Matter. The Domestic Mail Classification Schedule provides for the service and the Postal Service should not restrict the ability to utilize the service. Mailers should be able to obtain appropriate assistance from the Postal Service in mailing single-piece/non-presort Bound Printed Matter in the same way that they may obtain services for the mailing of other classes of Package Services. If necessary, the use of the POS terminal should be modified to not show the service for every mailpiece but should be accessible when appropriate.

Postal Service employees should be aware that Bound Printed Matter single-piece/non-presort service exists and disclose this information to customers when appropriate. They should be able to weigh proposed mailpieces, determine the zone, determine the qualifications for the service, determine whether the rate for flats vs. parcels is appropriate, determine the appropriate postage, sell a PVI strip or stamps for the postage, discuss the cost and use of the various extra services, and accept the mailpiece.

The wording for proposed DMM Sections 366.1.2.a and 466.1.2.a is overly broad. The time and place of mailing should be the same that exists for other classes of Package Services. As written, a local postmaster could limit the deposit of single-piece/non-presorted Bound Printed Matter to 3 AM to 4 AM on the fourth Monday of the month,

DMM Sections 366.1.2.d and 466.1.2.d would prohibit the mailer from obtaining any assistance from the Postal Service to add extra services to the mailing of their Bound Printed Matter mailpiece.

Mailers should not be discriminated in their use of this service. It is totally inappropriate for a retail window clerk not to provide the best possible service to a customer. The service standards and other conditions are the same for all of the Package Services [Parcel Post / Media Mail / Library Mail / Bound Printed Matter]. The only criterion that should be used by a mailer who is sending a parcel by Package Services is to use the one that has the lowest cost. If the clerk is aware that the parcel being sent might or would qualify for Bound Printed Matter - either by observation of the parcel or by comments made by the mailer - then the service should be offered. Also, a mailer who asks the question, "is there a cheaper service?", should receive the correct response.

For example, a mailer who has a 5-pound parcel to send by Package Services would pay the following rates under the proposed rates:

Parcel Post	\$6.45 to \$10.47 based on zone
Media Mail	\$3.61 [may not contain advertising]
Library Mail	\$3.43 [may not contain advertising]
Bound Printed Matter [flat]	\$2.62 to \$4.27 based on zone
Bound Printed Matter [parcel]	\$2.78 to \$4.43 based on zone

The price for Bound Printed Matter is less than one-half of the Parcel Post rates and provides identical service. Mailers should not be discriminated against by the Postal Service.

CHANGE OF ADDRESS FEE

Customers are allowed to file Change of Address Orders by a number of means, including by telephone and on the Internet. When the filing is done by mail, there is no filing fee. When the filing is done by telephone or on the Internet, there is a one dollar filing fee. The Postal Service characterizes this filing fee as a charge to the customer's credit card to verify the filer's identity.

While this may be the purpose of the \$1 fee, it is still a fee and as such must be authorized and provided for in the DMCS. All fees and charges made by the Postal Service must be approved by the Postal Rate Commission. This fee is not. There is no question that the act of filing a Change of Address Order is a Postal Service.

This concern was expressed by my in Docket R2005-1. As a result, the Commission's Opinion and Recommended Decision footnote 72 stated:

⁷² One of the methods that the Postal Service determines correct changes in addresses or forwarding addresses is by having customers fill out a change-of-address order to receive temporary or permanent forwarding of their mail. David B. Popkin takes issue with the Postal Service's handling of change-of-address orders. Currently, the Postal Service charges \$1 on a major credit card to process a change-of-address order by internet or phone, but does not charge any fees for filling out a PS Form 3575 and sending that form back to the post office. Mr. Popkin argues that because the \$1 fee does not appear in the DMCS, it is illegal and should be suspended since it has not yet been presented to the Commission for a recommended decision. Popkin Brief at 1-2. The Postal Service argues that the credit card companies do not verify identities for enhanced security and fraud prevention on changes of addresses for free; they require a minimum charge. Thus, because the charge is a result of a third-party requirement, it argues that the \$1 charge is not for a postal service within the meaning of Chapter 36 of the Act and is outside the scope of this proceeding. It notes that if customers wish to avoid this charge, they may mail the change-of-address order form to the Postal Service or complete the form at a retail outlet. Postal Service Reply Brief at 74-75. Mr. Popkin raises valid concerns about the change-of-address order service that could result in a Commission recommendation for a classification change. However, given the unique circumstances of the settlement and the Postal Service's prediction of another omnibus rate case in the near future, the Commission does not believe that it is an appropriate time to recommend classification changes based upon Mr. Popkin's request. The Commission expects this issue to be raised again in the next omnibus rate case. In that next rate case, a more thorough discussion of the issues surrounding the change-of-address order fee will allow the Commission to consider the request and its implications before deciding whether to recommend changes to the DMCS based upon any change-of-address order fee.

As noted in the last sentence of the footnote, the Commission expects this to be raised in the next omnibus case, namely this R2006-1 case. The Postal Service chose not to do so.

It appears that the only way to achieve resolution of this concern is to file a Formal Complaint with the Commission. This should not be necessary.

PRIORITY MAIL DIMENSIONAL WEIGHT

The Postal Service is proposing to implement a dimensional weight for Priority Mail. One of the conditions that apparently was overlooked in the implementation was that certain mailpieces, such as a large hoop, could have a dimensional weight that calculated at over 70 pounds. When this pointed out in discovery, the Postal Service indicated that the dimensional weight would be limited to 70 pounds.

This arrangement should now be included in the DMCS wording.

The mailing of a parcel in the shape of a large hoop also leads to a great disparity between the actual weight and the dimensional weight. To determine whether the hoop meets the maximum size limit of 108 inches length plus girth, the mailer would add the diameter of the hoop to the wrap-around circumference of the hoop itself. Under the current regulations, a mailer could send a loop that was 72 inches in diameter and had a cross-section with a diameter of 3.5 inches without any surcharge.³ However, this loop would have a dimensional weight of 84 pounds⁴ and therefore require the payment of the 70-pound rate rather than the actual weight which might be on the order of only a few pounds.

While the dimensional weight proposal might be appropriate for light-weight "compact" parcels, it certainly does not appear to be appropriate for "odd-shaped" parcels. These "odd-shaped" parcels would allow for other parcels to be packed with other parcels and not take the space that their dimensional weight might suggest.

³ The length plus girth would be calculated by adding the 72-inch diameter to the circumference of the cross-section circumference of 11 inches [3.5-inch diameter times pi - 3.14] for a total length plus girth of 83 inches which is less than the 84-inch limit under which the balloon surcharge applies.

⁴ The dimensional weight is calculated by multiplying 72 inches by 72 inches by 4 inches [3.5 inches rounded to 4 inches] by the 0.785 conversion factor and divided by the 194 factor.

EXPRESS MAIL

Over the past number of years, the Postal Service has made a number of changes in the guaranteed delivery time for Express Mail. They have established a listing of those offices that provide physical delivery service on a Sunday or holiday as well as those facilities that will allow post office box delivery on a Sunday or holiday. The Postal Service should be encouraged to continue with their efforts in providing information to the mailing public of the actual expected time of delivery of their premier Express Mail service. It would appear that it would only be necessary to evaluate those postal facilities that do not receive mail six days a week. The Postal Service has indicated that the number of facilities that fall into this category is a relatively small number.

The other providers of expedited service provide the true expected time of delivery at these remote locations. The Postal Service should do likewise. The Postal Service should not be guaranteeing a delivery time that is impossible to achieve. For example, the Hyder AK post office has two incoming mail flights a week, Monday and Thursday. Express Mail for Hyder sent from throughout the rest of the country is presently guaranteed for two days so that an article mailed in New Jersey on a Monday will be guaranteed for delivery on Wednesday even though the earliest possible delivery would be on Thursday.

EARLY PUBLISHING OF PROPOSED DMM IMPLEMENTATION RULES

I am glad to see that the Postal Service filed these proposed implementation rules as early as they did. It would even be better if these implementation rules were announced at the time of the rate case filing so that the details of the filing would be known at the time of the litigation of the rate case. The deadline for submitting comments would still have to be set late enough to allow for the initial rounds of litigation of the case before the Postal Rate Commission.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

David B. Popkin December 21, 2006
