

**BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001**

Filing Online

Docket No. RM2002-1

**Comments Of Major Mailers Association
In Support Of
Proposed Filing Online Requirements**

By Notice Of Proposed Rulemaking (“NOPR”) issued May 8, 2002,¹ the Commission has proposed to make filing of documents online mandatory. Major Mailers Association (“MMA”) submits the following comments in support of the Commission’s Filing Online initiatives:

1. Implementation of the filing online initiatives proposed in the NOPR are only possible because the Commission carefully laid the foundation for mandatory filing of documents in electronic form. The Commission and its Staff deserve praise for developing an extremely well organized, informative web site. MMA has made extensive use of the web site since its initiation, particularly during the omnibus rate proceedings in Docket Nos. R2000-1 and R2001-1. Having critical rate case information available almost in real time has made MMA’s participation in these proceedings much more efficient and cost effective. MMA’s rate case consultants have been able to analyze other parties’ filings and prepare and file responsive pleadings much sooner than was possible in an all paper environment. Having such information readily available in widely used native electronic formats is also important to parties like MMA whose members are located throughout the Nation. In sum, by making information available in electronic form so promptly on its web site, the Commission has leveled the playing field in omnibus rate cases.

2. MMA generally supports the Commission’s proposal to make electronic filing mandatory for several reasons. First, the Commission has already demonstrated the technical feasibility of Filing Online. During the recently

concluded Docket No. R2001-1 proceedings, the Commission made available to all parties a new test version of a Filing Online platform. MMA and many other parties used that system often to convert native format files such as Microsoft Word to the Adobe pdf format and then file both with the Commission. By making a ready-to-use filing system available to all parties, the Commission has eliminated any possible objections to Filing Online on technical grounds. Second, all parties to extremely complex omnibus rate proceedings are looking for ways to limit the costs associated with participating on an active basis. The costs associated with using a paper-based filing and service system are very substantial.² Therefore, adoption of mandatory Filing Online requirements will reduce significantly the cost of participating in these cases. Third, adoption of Filing Online will make it possible for all active participants and other interested parties to receive crucial information at the same time, often days sooner than would be possible using a paper-based system. Finally, implementing a Filing Online system will make it possible for the Commission to carry on its vital functions even when there are security and health concerns about using a paper delivery service, as there were during last year's anthrax attacks.

3. The Commission has proposed to impose Filing Online and the existing hardcopy filing and service requirements in the following instances:

- ◆ The USPS' requests for changes in rates or classifications;
- ◆ Written testimony, including appendices and exhibits, exceeding 20 pages in length; and
- ◆ Briefs exceeding 20 pages in length.

Requiring USPS rate and classification change requests to be filed and served in electronic and paper form makes good sense. The sheer volume and complex interrelationships among different parts of the Postal Service's filings requires

¹ Filing Online, Docket No. RM2002-1, Order No. 1341, "Notice Of Proposed Rulemaking To Require Filing Of Documents In Electronic Form."

² These costs include not only purchase, delivery, and storage of paper and envelope supplies, but the purchase and maintenance of expensive printing and photocopying machines, direct and indirect costs associated with filing, storing, maintaining, and retrieving paper documents served by other parties, and postage expense and overnight and/or personal delivery services.

that the USPS requests be available in multiple formats that will enable prompt review and analysis by all interested parties.

With respect to testimony and briefs, MMA respectfully requests that the Commission adopt a rule of reason rather than a rigid page length standard. The Commission's proposed 20 + page rule assumes that all parties are interested in receiving paper versions of other parties' documents if they are over 20 pages in length. Such certainly is not the case for MMA and we expect is not true for most other parties. MMA typically identifies the relatively few important issues of direct interest to its members and then identifies the parties likely to weigh in on those issues. Thereafter, MMA's representatives identify and scrutinize closely all relevant documents. They also examine documents relating to other issues, but in a much more cursory fashion. Having these "second tier" documents available in electronic format has reduced significantly the time and expense associated with the necessary review process. Indeed, MMA representatives review the paper versions of these documents only seldom, ***if at all.***

Adoption of a rigid 20 + page length rule would result in MMA and other parties having to receive and process voluminous paper documents dealing with issues in which they have no interest whatsoever. It would also cause MMA and other parties to incur the unnecessary, wasteful expense of duplicating, collating, and mailing paper documents that will ***never*** be reviewed by the receiving party ***and may be immediately discarded upon receipt.***

MMA recognizes that there may still be a few parties who prefer to receive lengthy testimony and briefs in paper as well as electronic form. MMA does not want to limit the rights of such parties. Nor do we believe it is necessary to limit their rights.

MMA suggests that, in lieu of the rigid page length rule proposed in the NOPR, the Commission adopt a rule of reason that would permit each party to designate the parties (1, 10, or All) from which it elects to receive service of lengthy testimony and briefs in paper form. Such a rule of reason would preserve the prerogatives of parties who desire receipt of lengthy documents in

paper form. At the same time, it would give all parties an opportunity to limit the time and expense associated with delivering paper documents that may never be read by many recipients.

4. The Commission proposes (NOPR at 12) to make changes in Rule 31 in order to insure that electronic versions of library references and computer analyses are submitted in PC compatible formats so that the information will be more readily accessible to, and more easily usable by, the parties to Commission proceedings. MMA strongly supports these changes. Having important information available only in formats that are usable by mainframe computers effectively denies parties access to the information. Adoption of the Commission's proposal will make such information more readily available to parties.

5. Consistent with the Commission's goal of making information available sooner and in formats that parties can use easily, MMA seeks clarification of the Filing Online requirements. As MMA understands it, when an Account Holder uploads a native format file such as a Microsoft Word file to the Commission's Filing Online system and then uses that system to convert the Word file to the required pdf format, both the Word file and the resulting pdf file will be displayed on the Commission's web site and parties are able to download either or both files. However, it is not clear what an Account Holder is required to do if he uses Adobe software on his own computer to convert the Word file to pdf. MMA believes that the Account Holder should be required to upload both the native and pdf versions to the Commission's Filing Online system so that other parties will have access to the native format version for purposes of cutting and pasting and searching, functions that MMA has found are more easily performed using native format software than Adobe Acrobat Reader software. Requiring both versions to be uploaded will make information available on a consistent basis regardless of where conversion to pdf occurs. In addition, requiring both versions to be uploaded will not impose an undue burden on Account Holders since all the documents they file are produced in native formats in the first place.

MMA also seeks clarification that all computer analyses, for example exhibits created in Microsoft Excel, will be filed and posted in native format. Analyses in complex Postal Service proceedings typically involve the use of spreadsheets that contain numerous, embedded formulae and assumptions. Parties seeking to understand and react to such analyses need to have access to the information in this format in a timely fashion. Today, they often lose valuable time just trying to retype in Excel format documents that were created in Excel, then printed and filed, and finally scanned into pdf format that could be downloaded from the Commission's web site. That unnecessary task is further complicated by the fact that the documents they must work from are often illegible because the numbers have been shrunk to fit on one page. Requiring that all such analyses be made available in a widely used format such as Excel is essential and, MMA believes, consistent with Rule 31(k)(3)(i).

Conclusion

For all the foregoing reasons, MMA urges that the Commission prescribe mandatory use of Filing Online, as proposed in the NOPR, with the minor changes and clarifications requested herein.

Respectfully submitted,

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