

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on Removal of Collection Boxes

Docket No. C2003-1

DOUGLAS F. CARLSON
COMPLAINT ON REMOVAL OF COLLECTION BOXES

November 19, 2002

NAME AND ADDRESS OF COMPLAINANT

1. Complainant is Douglas F. Carlson, PO Box 1077, Santa Cruz CA 95061-1077.

COMMISSION JURISDICTION

2. Interested parties who are not receiving postal services in accordance with the policies of the Postal Reorganization Act may lodge a complaint with the Commission. 39 U.S.C. § 3662.

3. The Postal Reorganization Act requires the Postal Service to submit a proposal to the Commission requesting an advisory opinion on any change in the nature of postal services that will generally affect service on a nationwide or substantially nationwide basis. 39 U.S.C. § 3661(b). The Postal Service must request this advisory opinion within a reasonable time *before* the effective date of such a proposal. *Id.*

4. The Commission has jurisdiction to hear a service complaint that an interested party files under section 3662 if the interested party complains that the Postal Service did not seek an advisory opinion under section 3661(b) before the

effective date of a change in the nature of postal services that generally affected service on a nationwide or substantially nationwide basis.

RELEVANT POLICIES OF THE POSTAL REORGANIZATION ACT

5. The Postal Reorganization Act requires the Postal Service to “develop and promote adequate and efficient postal services.” 39 U.S.C. § 3661(a).

6. The concept of efficiency stated in 39 U.S.C. § 3661(a) encompasses the effects of Postal Service policies and services on the public.

7. The Postal Service “shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities.” 39 U.S.C. § 101(a).

8. The concept of efficiency stated in 39 U.S.C. § 101(a) encompasses the effects of Postal Service policies and services on the public.

9. “In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.” 39 U.S.C. § 101(e).

10. The Postal Service must maintain an efficient system of collecting mail nationwide. 39 U.S.C. § 403(b)(1).

11. The concept of efficiency stated in 39 U.S.C. § 403(b)(1) encompasses the effects of Postal Service policies and services on the public.

12. The Postal Service must provide types of mail service to meet the needs of different categories of mail and mail users. 39 U.S.C. § 403(b)(2).

SUMMARY OF COMPLAINT

13. The Postal Service has a statutory monopoly on First-Class Mail.

14. Collection boxes, including mail chutes, are the primary means by which postal customers deposit single-piece First-Class Mail.

15. Since January 1, 2000, the Postal Service has removed thousands of collection boxes from service.

16. In some communities, the Postal Service removed one third or more of the collection boxes.

17. The Postal Service has removed from service a number of collection boxes that is sufficiently large, considering the locations of those collection boxes, to constitute a change in the nature of postal services that has affected service on a nationwide or substantially nationwide basis.

18. Section 3661(b) required the Postal Service to request an advisory opinion from the Commission before removing a substantial number of collection boxes from service.

19. The Postal Service failed to obtain an advisory opinion from the Commission prior to removing a substantial number of collection boxes from service.

20. For most collection boxes that the Postal Service removed from service, no exigencies existed that would have prevented the Postal Service from obtaining an advisory opinion from the Commission prior to removing the collection boxes from service.

POM SECTION 315.4

21. Prior to the widespread removal of collection boxes, Postal Service policy governing removal or relocation of collection boxes appeared in section 315.4 of the *Postal Operations Manual*. This section provides:

If a box generates fewer than 25 pieces a day, conduct a review to determine if the box should be retained. Factors to consider include the volume of mail collected and the character of mail collected, such as sales orders, daily reports, or other types of mail.

POM Issue 9, July 2002, and POM Issue 8, July 16, 1998, § 315.4.

22. The Postal Service changed the policy reflected in POM § 315.4 by eliminating the requirement to consider the volume and character of mail in collection boxes that receive fewer than 25 pieces per day. According to a memo dated January 17, 2002, from Henry A. Pankey, vice president, Delivery and Retail, “boxes not meeting the current 25 piece daily minimum can be removed today with appropriate notice to the customers.” DFC-LR-1 at 3.

23. In the alternative, if the Postal Service has not formally changed the policy stated in POM § 315.4, field offices are disregarding this policy by not considering the volume and character of the mail before removing collection boxes or by removing collection boxes even when the collection boxes meet the 25-piece minimum.

24. The Postal Service may have changed the 25-piece minimum specified in POM § 315.4.

25. POM § 315.4 implements the Postal Service’s statutory mandate to provide adequate and efficient service (39 U.S.C. § 3661(a)), to provide prompt, reliable, and efficient services to patrons in all areas (39 U.S.C. § 101(a)), to give the highest consideration to expeditious collection of important letter mail (39 U.S.C. § 101(e)), to maintain an efficient system of collecting mail nationwide (39

U.S.C. § 403(b)(1)), and to provide types of mail service to meet the needs of different categories of mail and mail users (39 U.S.C. § 403(b)(2)).

26. Section 3661(b) required the Postal Service to request an advisory opinion from the Commission before changing the policy in POM § 315.4. In the alternative, section 3661(b) required the Postal Service to obtain an advisory opinion from the Commission before disregarding the policy in POM § 315.4 by removing collection boxes without considering the volume and character of the mail or by removing collection boxes even when the collection boxes met the 25-piece minimum.

27. The Postal Service failed to obtain an advisory opinion from the Commission before changing the policy in POM § 315.4. In the alternative, the Postal Service failed to obtain an advisory opinion from the Commission before disregarding the policy in POM § 315.4 by removing collection boxes without considering the volume and character of the mail or by removing collection boxes even when the collection boxes met the 25-piece minimum.

POM SECTION 322.1

28. In some communities, the Postal Service has removed collection boxes that receive at least 100 pieces of mail per day and, therefore, qualify under POM section 322.1 for a final weekday collection time at 5:00 PM or later and a final Saturday collection time at 1:00 PM or later.

POM SECTION 322.22(a)

29. In some cities nationwide, the Postal Service is failing to comply with POM § 322.22(a), which requires the Postal Service to place a collection box that has a weekday collection at 5:00 PM or later and a Saturday collection at 1:00 PM or later sufficiently close to customers' homes so that customers do not need to travel more than approximately two miles to reach the box.

30. Postal customers are not receiving the level of service that POM § 322.22(a) requires.

31. POM § 322.22(a) implements the Postal Service's statutory mandate to provide adequate and efficient service (39 U.S.C. § 3661(a)), to provide prompt, reliable, and efficient services to patrons in all areas (39 U.S.C. § 101(a)), to give the highest consideration to expeditious collection of important letter mail (39 U.S.C. § 101(e)), to maintain an efficient system of collecting mail nationwide (39 U.S.C. § 403(b)(1)), and to provide types of mail service to meet the needs of different categories of mail and mail users (39 U.S.C. § 403(b)(2)).

32. As a result of the Postal Service's failure to comply with POM § 322.22(a), postal customers are not receiving postal services in accordance with the policies of the Act.

POM SECTION 315.32

33. In some cities nationwide, the Postal Service is failing to comply with POM § 315.32, which requires collection boxes in some residential areas to be located at least approximately one mile apart.

34. Postal customers are not receiving the level of service that POM § 315.32 requires.

35. POM § 315.32 implements the Postal Service's statutory mandate to provide adequate and efficient service (39 U.S.C. § 3661(a)), to provide prompt, reliable, and efficient services to patrons in all areas (39 U.S.C. § 101(a)), to give the highest consideration to expeditious collection of important letter mail (39 U.S.C. § 101(e)), to maintain an efficient system of collecting mail nationwide (39 U.S.C. § 403(b)(1)), and to provide types of mail service to meet the needs of different categories of mail and mail users (39 U.S.C. § 403(b)(2)).

36. As a result of the Postal Service's failure to comply with POM § 315.32, postal customers are not receiving postal services in accordance with the policies of the Act.

INSUFFICIENT PUBLIC INPUT

37. In removing collection boxes, the Postal Service has not sufficiently considered the needs of the community for outgoing mail service.

38. *Before removing collection boxes, the Postal Service has not provided the public with a sufficient opportunity to provide input.*

39. The Postal Service has not sufficiently obtained and evaluated input from the public before or after removing collection boxes.

40. The Postal Service's removal of collection boxes has prompted numerous complaints from customers to congressional representatives.

41. The Postal Service's removal of collection boxes has reduced postal customers' access to First-Class Mail service.

42. When the Postal Service determines that it should implement a change in the nature of postal services that will generally affect service on a nationwide or substantially nationwide basis, the Postal Reorganization Act requires the Postal Service to seek an advisory opinion from the Commission within a reasonable time before the effective date of the proposal in order to grant users of the mail an opportunity to provide input during a hearing on the record.

43. For substantially nationwide changes in the nature of postal services, the Postal Service cannot adequately plan, develop, promote, and provide adequate and efficient postal services without the input and review provided through a section 3661(b) proceeding because an essential step in the process will have been omitted.

GENERAL ALLEGATIONS

44. In some communities and locations nationwide, the Postal Service is failing to provide adequate and efficient collection services.

45. In some communities and locations nationwide, the Postal Service is failing to provide prompt, reliable, and efficient services to patrons in all areas.

46. In some communities and locations nationwide, the Postal Service is failing to give the highest consideration to the expeditious collection of important letter mail.

47. The Postal Service is failing to maintain an efficient system of collecting the mail nationwide.

48. The Postal Service is failing to provide types of mail service to meet the needs of different categories of mail and mail users.

49. The Postal Service's primary motivation for removing most collection boxes is to reduce costs.

50. I have suffered harm from the Postal Service's failure to obtain an advisory opinion from the Commission before changing the nature of postal services on a nationwide or substantially nationwide basis, from the Postal Service's removal of collection boxes, and from the Postal Service's failure to provide adequate collection services.

CLASS OF PERSONS AFFECTED

51. The removal of collection boxes affects many, if not most, customers nationwide.

CORRESPONDENCE WITH THE POSTAL SERVICE

52. DFC-LR-1 provides correspondence with the Postal Service concerning nationwide policy for removal of collection boxes.

53. DFC-LR-2 provides correspondence with the Postal Service concerning removal of collection boxes in Santa Cruz, California.

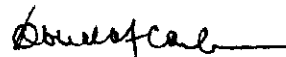
54. DFC-LR-3 provides Freedom of Information Act (FOIA) correspondence with the Postal Service concerning removal of collection boxes in Santa Clara, California.¹

55. DFC-LR-4 provides correspondence with the Postal Service, including FOIA correspondence, concerning collection services in the area near John F. Kennedy International Airport in New York.²

STATEMENT OF RELIEF REQUESTED

56. Pursuant to 39 U.S.C. § 3662, I request that the Commission conduct a hearing and issue a public report documenting the Postal Service's failure to provide collection services consistent with the policies of the Postal Reorganization Act and the Postal Service's failure to obtain an advisory opinion from the Commission, as 39 U.S.C. § 3661(b) requires, before implementing changes in the nature of postal services that generally affected service on a nationwide or substantially nationwide basis.

Respectfully submitted,



DOUGLAS F. CARLSON

Dated: November 19, 2002

¹ I have filed a complaint in the U.S. District Court for the Northern District of California because the Postal Service has not complied with FOIA in processing my FOIA request. Civil Action, File No. C02-05471 RMW. I do not consider the documents related to my complaint in the district court to constitute correspondence with the Postal Service that is subject to Rule 83(e).

² See fn. 1, *supra*.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the Postal Service in accordance with section 12 of the *Rules of Practice*.



DOUGLAS F. CARLSON

November 19, 2002
Santa Cruz, California