

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

Request to Add Private Address Forwarding To the Market Docket No. MC2013-60
Dominant Product List

PETITIONER'S SUPPORT OF AND EXPANSION TO PUBLIC REPRESENTATIVE'S
MOTION FOR RECONSIDERATION OF ORDER NO. 1838

September 25, 2013

Yeseterday, the Public Representative (PR) for my proposal for Private Address Forwarding (docket MC2013-60), James Waclawski, filed a motion requesting that the Commission clarify the (precedent-setting) procedures for consideration of my request, and opposing the Commission's setting of a due date for initial public comments earlier than 30 days after USPS' comments.

I strongly support the PR's motion, and further request reconsideration as follows.

1. Urgent request for reconsideration of provisions regarding public comment

I request that the Commission act immediately to change the public comment period.

My intention is to publicize this request widely on the Internet to solicit widespread public input and comment on this proposal, which is both the first of its kind ever made and one whose details would be of keen interest to many of my colleagues and friends in the security research and privacy advocacy communities. Accordingly, I have set up a webpage at <http://s.ai/paf> which summarizes my proposal and all action to date, encourages public comment, gives directions to the public for how to submit comments, etc. This webpage is *not* yet linked anywhere (except in this filing).

Although I don't believe the public would be confused as to "whether the proposal was the subject of prior negotiations with the Postal Service, or whether this is the Postal Service's first exposure to the proposal"¹, as I believe I made clear in my proposal that it was initiated by me and completely novel to both the PRC and USPS, it is certainly the case that "[a]s of today, interested persons in this docket have no understanding of the Postal Service's position on the proposal".

My plan was to publicize the proposal (and my webpage for it) only *after* receipt of the USPS' comments², so that at the time that the public files their *initial* comments on the proposal, they do so knowing the USPS' "*preliminary views*"³. Like the PR, I believe that "the purpose of this rule is to provide the Postal Service with an opportunity to consider the proposal, and potentially contact and negotiate with the person or organization making the proposal", that "[t]he Postal Service's input is critical to the process", and that, after public comments and negotiations with USPS, I "would expect a counterproposal from the Postal Service". I apologize if my proposed public comment period (quoted in the Commission's order) was at all unclear.

Therefore, I respectfully request that the PRC **urgently** reconsider its order, and I specifically request the following timeline:

2013-10-16: USPS *preliminary* comments due (28 days after proposal filed)

2013-11-15: *initial* public comments due (30 days after USPS comments)

2013-12-13: USPS *reply* comments due⁴ (28 days after initial public comments)

2014-01-12: public *reply* comments due (30 days after USPS' initial reply comments)

If the PRC does not reconsider its order and change the initial public comment period **within one week (i.e. by 2013-10-02)**, I will be forced to widely disseminate this proposal

¹ et seq., extended quotes are from PR's 2013-09-24 Motion, page 2

² Considering that viral posts tend get primarily *spikes* of activity, concentrated immediately after first dissemination, I would prefer that the initial flurry of public comment be done in a manner as conducive as possible to quality deliberation of this proposal — which is why I would prefer to defer publication if it can be done without cutting in to the general public's awareness of this proposal and their ability to comment within the time allotted.

³ 39 CFR 3020.54; emphasis added

⁴ The USPS reply comments should take into account all public and PR comment filed to date.

for public comment *without* first waiting for the USPS' reply. I believe that this would be against the best interests of an informed, open, public discussion of my proposal⁵, but to do otherwise in the context of the PRC's extant comment period order would only further limit the public's ability to compose comments on this proposal. I would strongly prefer to defer wide dissemination until *after* the USPS' preliminary comments, but under the current scheduling, I have no real choice to do so.

2. Further requests for clarification of procedure

The PR is correct that "Petitioner Sai, along with others that may wish to propose a new product, may not be experienced with Commission procedures, or navigating the Postal Service." and that "many of those considering comments also are not experienced in these matters. They need clear direction on what procedures are to be followed." Although I am not a lawyer and have minimal applied experience with administrative law (and no experience whatsoever before this Commission), I have diligently read the Commission's regulations, and I have studied administrative law to some extent. I expect that the general public is extremely unlikely to do either of these.

I therefore respectfully request that the Commission publicly clarify some points of procedure (in addition to those correctly pointed out by the PR) that I personally have found confusing and believe the general public would find even more so:

1. What exactly is a "reply comment", as opposed to a regular "comment"?

For instance, does the period open for reply comments preclude comments that are not in response to another? Does the period for (unmodified) "comment" preclude comments that *are* in response to another?

⁵ i.e., that "[the USPS' response should] be made available prior to soliciting comments from interested persons" [1]

2. What procedure should I follow to amend my proposal, and would any such amendment have greater weight than a simple comment?

I have begun privately discussing the details of my proposal with colleagues, and have received input on some technical improvements to be made. I expect that further informal public discussion will result in more of this. I would like to not overwhelm the Commission with individual public comments when a more focused amendment, reflecting consensus input (with credit), would be more effective and less confusing. However, it is not clear to me how, if, or when I could formally file such amendment, nor whether it would have any more weight than a general comment.

3. Will there be a public hearing on this proposal? If yes, when, and how can the public participate remotely?

This proposal represents a historic first for the Commission both as a proposal for new service raised by a member of the public, and as one that is primarily intended to serve the personal interests of the public rather than the financial interests of Commission regulars (or myself). Accordingly, I believe it would be appropriate for the Commission to hold an open public hearing on the matter, to be scheduled after the close of all reply comments.

Given that neither I nor most of the general public could appear in Washington, DC to participate in person, I request that this hearing be broadcast live online, and that I be permitted to participate live as well. I suggest that a Google+ Hangout On Air⁶ would accomplish both of these objectives well.

⁶ <http://www.google.com/+learnmore/hangouts/onair.html>; please note that though "hangouts on air" have no limit for number of viewers, only up to 10 cameras can participate simultaneously. This would permit one camera each for the Commission, the USPS representative, the PR, and me, with six slots still available for whichever public commenters the Commission thinks would bring the most benefit to a live discussion.

4. How should the general public interact with the Public Representative?

Although I have read the Commission's PR Q&A page⁷, and have tried to summarize it fairly on my webpage⁸, it is still unclear to me to what extent the public should contact the PR other than if they have questions about the process, and I do not want to mislead the public about the PR's role or direct them to comment in a way that would not be fruitful, nor overwhelm the PR or compromise their neutrality.

If a member of the public is uncomfortable writing a formal comment, or their comment is fairly simple (e.g. a general agreement with the proposal or an expression of interest in using such a system), would it be appropriate to direct them to contact the PR with such comments?

3. Notification of informal public discussions

As mentioned earlier, I have put up (though not yet disseminated) a webpage to track this proposal at <http://s.ai/paf>.

I intend to update that page as events progress — both with concise summaries of official procedure / events, and with links to useful blog posts, social media comment threads, etc.

I have also linked there my original proposal as a Google document (<http://goo.gl/dyxPFz>). Using the Google document permits anyone to comment on specific sections of the text and interact in a less formal but potentially more productive manner than the formal comment process.

I invite the PR and USPS to participate in such informal comment in parallel with the formal process, or at least to monitor it. Many more people are likely to comment in various online

⁷ <http://prc.gov/prc-pages/about/PR.aspx?section=qa>

⁸ <http://s.ai/paf>

forms than to submit formal comments, and I believe that monitoring such activity is an essential component of seeking true public comment in our modern Internet.

Sincerely,
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