

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

Request to Add Private Address Forwarding To the Market
Dominant Product List

Docket No. MC2013-60

PETITIONER'S REVISED MOTION FOR RESCHEDULING

October 18, 2013

On October 16, 2013, the USPS filed an opposition¹ to the motions by the Public Representative² and myself³ for reconsideration of PRC Order 1838's schedule, together with motion for late acceptance⁴ of that opposition.

Due to the unusual circumstances imposed by the recent government shutdown, part of my motions are now moot. I have also had a productive conversation with USPS attorney Michael Tidwell regarding the USPS' scheduling concerns and how they might be addressed together with mine. Therefore, I respectfully request that the Commission accept this motion as a revision of my prior two motions regarding rescheduling⁵.

My primary concern with Order 1838, as well as the Public Representative's, was that public comment occur in the context of knowing the USPS' position on this matter. Given that the PRC has been unable to respond to our motions during the government shutdown, and in the meantime the USPS has filed its initial reply, that concern is now moot⁶.

¹ <http://prc.gov/Docs/88/88003/USPS.Opp.2.Schedule.Delay.pdf>

² <http://prc.gov/Docs/87/87906/PR%20Motion.pdf>

³ <http://prc.gov/Docs/87/87915/sai-paf-motion-supporting-pr-2.pdf>

<http://prc.gov/Docs/87/87993/sai-paf-urgent-motion-to-reschedule.pdf>

⁴ <http://prc.gov/Docs/88/88002/MLA.Opp.To.Scheduling.Motions.pdf>

⁵ The portion of my motion supporting the PR's motion for reconsideration, requesting further clarification of certain issues, is not affected by this.

⁶ This has likewise directly affected my decision regarding public dissemination of this proposal. Because the USPS kindly furnished me with a copy of their reply on the 16th (before the PRC resumed operation), I was able to summarize its position, together with tentative responses, and have now published <http://s.ai/paf> with that information included.

In its opposition motion, the USPS expressed three primary concerns regarding rescheduling:

1. that it would "be flawed by the absence of any opportunity for [the USPS] to reply to initial comments"

Because there have not been any initial comments to date, and the Commission's current schedule precludes filing any more, this concern is moot.

2. that it would "delay the Commission's ability to even begin the process of sorting through the merits of the PAF proposal", "strain the Commission's resources in a way that the current schedule seeks to avoid", and "delay the resolution of this docket well beyond the length of time applicable to concurrent proceedings of greater significance and complexity"

I agree that extending the schedule would, tautologically, delay the resolution of this docket. However, that in itself does not significantly strain the Commission's resources other than to the minor extent necessary for docket filing; the Commission need only reach a decision after having received all comments, and the USPS can choose when it wishes to submit further reply comments. Delay in this proceeding in no way harms concurrent proceedings, whose significance and complexity I do not contest; such other proceedings are simply not relevant to this motion.

By contrast, a longer public comment period would allow for a true public discussion of this issue — which I believe justifies a delay of a couple months and is in the best interests of the public on a matter which may affect the privacy of millions of Americans.

3. that "proceedings should not be delayed solely for the purpose [of] permitting ... [someone] to mount a publicity campaign or to recruit allies in support of its position. [Decisions should be made based on] the various relevant policies of title 39, not by the numbers of parties who subscribe to various views regarding the merits of a particular product proposal."

I intentionally delayed disseminating this proposal until after the USPS' reply was in, because I believe the public should comment on an *informed* basis. I agree with the USPS that a view isn't more justified merely by the number (or social status) of people holding it, but rather that views must be judged on their own merits.

However, widespread desire for PAF would be a merit *in itself*, and goes to the concerns about prioritization and market demand that the USPS expressed in its reply⁷.

The USPS, in its Reply, has raised concerns with regard to several technological, security, and privacy issues. I fully agree with the USPS that these important issues should be carefully considered.

However, 39 USC §3642 clearly specifies that it is *exclusively* the Commission's duty and authority — not the USPS' — to determine whether a proposal meets the various criteria and considerations for viability, and whether a proposed *addition* to the Mail Classification Schedule should be made. The USPS certainly has a primary role to play in this discussion — and its deliberations and concerns should be given significant consideration — but it does not have an *exclusive* role. Other parties can give significant input, and the decision is ultimately the Commission's to make.

It is rather dismissive of the value of public participation in policy making for the USPS to call public comment a "publicity campaign" or "recruit[ing] allies". If other members of the public disagree with my views on this proposal, they are welcome to submit comments, and I have encouraged them do so.

Increased public participation would be likely to address many of their concerns, as well as to raise and discuss others that the USPS may not have independently considered. Indeed, informal public discussion has *already* raised⁸ several issues and possible improvements to address them that are not to be found in the USPS' reply, and this would only improve with more widespread input from groups representing different perspectives on this issue.

⁷ <http://prc.gov/Docs/88/88005/USPS.Reply.Ord.1838.pdf>

⁸ <http://s.ai/paf/#changes>

Therefore, I respectfully move that the Commission revise the schedule in a simple manner: change the deadline for reply comments (including the USPS') to December 20th, allow such comments to be filed and published on a rolling basis (rather than all at once), and permit filing of what might otherwise be considered "initial" comments.

Should the Commission grant my motion requesting an order for USPS' disclosure of documents⁹, or should the USPS respond to my FOIA request for the same¹⁰, I request that the deadline be at least 30 days after all responsive documents are published, to permit adequate time for commenters to read and respond to that additional information.

Sincerely,
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⁹ <https://www.prc.gov/Docs/88/88066/sai-paf-motion-for-disclosure-order.pdf>

¹⁰ <http://s.ai/paf/2013-10-18%20FOIA%20request%20for%20documents%20related%20to%20PAF.pdf>