

July 10, 2017

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*VIA FIRST-CLASS MAIL AND EMAIL*

Thomas J. Marshall  
General Counsel and Executive Vice President  
United States Postal Service  
475 L'Enfant Plaza, SW  
Washington, DC 20260-1137

**Re: Move Update Assessment Price Change**

Dear Mr. Marshall:

We are writing on behalf of our client, the Association for Postal Commerce (“PostCom”), to ask that the Postal Service file the decision of the Governors authorizing the recent proposed change in the Move Update Assessment charge with the Postal Regulatory Commission in Docket No. R2017-7. As there are currently no Governors in office, we believe doing so would assure the Commission, mailers, and the public that the price and classification changes noticed in that docket were properly vetted and approved.

In its Notice of Market-Dominant Price Adjustment filed on June 30, 2017, the Postal Service states that “the Governors have authorized the Postal Service to amend prices and classification language for its market dominant products.”<sup>1</sup> As you are aware, the term of the last Governor in office, James H. Bilbray, expired on December 8, 2016. Since that time, there have been no Governors in place to approve any price changes. Consequently, the referenced authorization must have occurred at least seven months ago, before the current CPI authority was known.

We are not suggesting that the Move Update charge was not properly approved. But 39 U.S.C. § 404(b) vest the authority to establish rates with the Governors, and § 402 declares that authority non-delegable. To remove any doubt regarding the legality of the proposed Move

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<sup>1</sup> United States Postal Service notice of Market Dominant Price Adjustment and Classification Changes at 1, Docket No. R2017-7 (June 30, 2017).

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Update assessment charge, we believe the best course of action would be for the Postal Service to file evidence of the Governors' decision approving the change with the Commission.

Regards,

*/s/ Matthew D. Field*

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cc: Chm. Robert Taub, Postal Regulatory Commission