

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

Regulations Pertaining to 39 U.S.C. § 601

Docket No. RM2020-4

CHAIRMAN'S INFORMATION REQUEST NO. 1

(Issued March 4, 2020)

In its Advance Notice of Rulemaking, the Commission is requesting information and views about what regulations promulgated by the Commission may be necessary to carry out the requirements of 39 U.S.C. § 601.<sup>1</sup> The Public Representative requests information from the Postal Service that he avers “will allow participants to provide comments that are more constructive and assist the Commission in evaluating the applicable legal and regulatory requirements.”<sup>2</sup>

To obtain additional clarifying information concerning Postal Service regulations, advisory opinions, and administrative directives relating to letters carried out of the mails, the Postal Service is requested to provide a written response to the following questions. The answers should be provided by March 11, 2020.

1. Please refer to 39 U.S.C. § 601(b)(1) and (b)(2).
  - a. Has the Postal Service issued regulations or other administrative directives incorporating the provisions of sections 601(b)(1) and 601(b)(2) since the effective date of amended section 601(b)?

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<sup>1</sup> See Advance Notice of Proposed Rulemaking to Consider Regulations to Carry Out the Statutory Requirements of 39 U.S.C. 601, February 7, 2020 (ANPR). The ANPR erroneously captions this proceeding as “Amendments to Rules of Practice.” That erroneous caption is corrected in this filing, and future filings will be captioned “Regulations Pertaining to 39 U.S.C. § 601.”

<sup>2</sup> Public Representative Motion for Issuance of Information Request, March 3, 2020, at 2.

- b. If the answer to question 1(a) is yes, please identify those regulations, the date of issuance, and their location.
      - c. If the answer to question 1(a) is yes, did the Postal Service obtain approval, coordinate or otherwise communicate about those regulations with the Postal Regulatory Commission prior to issuing those regulations?
      - d. If the answer to question 1(c) is no, please explain why the Postal Service did not do so.
2. Section 310.6 of title 39 of the Postal Service's regulations provides that an advisory opinion on any question arising under part 310 and part 320 of the Postal Service's regulations may be obtained by writing to its General Counsel and that a numbered series of advisory opinions is available for public inspection in the Postal Service's library and copies are available for a duplication charge.
  - a. Are the advisory opinions available electronically on the Postal Service's website? If not, what plans are there to place those opinions on the website? If there are no plans, why not?
  - b. Please describe the advisory opinions in terms of the number and size of opinions and types of questions answered in the advisory opinions, particularly whether they interpret the provisions of § 601 to permit letters to be carried out of the mails.
  - c. Have any advisory opinions been issued since the effective date of section 601(c) of title 39? If so, please provide copies of all advisory opinions issued since the effective date of § 601(c).
  - d. If any advisory opinions have been issued since the effective date of section 601(c) of title 39, did the Postal Service obtain approval from, coordinate, or otherwise communicate with the Postal Regulatory Commission regarding those opinions prior to issuing the advisory opinions? If not, please explain why not.

- e. Have any advisory opinions been issued since July 1, 2005? If so, please provide copies of all advisory opinions that became effective since that date.
3. Section 310.2(c) of title 39 of the Postal Service's regulations provides that, "The Postal Service may suspend the operation of any part of paragraph (b) of this section where the public interest requires the suspension." Subsection (b) of section 310.2 provides the characteristics of when a letter may be carried out of the mails as well as permits written agreement between the shipper or carrier and the Postal Service for the carriage of letters out of the mails.
- a. Has the Postal Service suspended the operation of subsection (b) of section 310.2 since the effective date of the Commission's regulations promulgated under 39 U.S.C. § 3633 (December 10, 2007)? If so, please provide a copy of any suspension orders.
  - b. Does the Postal Service believe that it may continue to suspend the operation of subsection (b) of section 310.6 without Commission authority pursuant to regulations promulgated under 39 U.S.C. § 601(c)? If so, please explain.

By the Chairman.

Robert G. Taub