

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

REGULATIONS PERTAINING TO 39 U.S.C. § 601

Docket No. RM2020-4

RESPONSES OF THE UNITED STATES POSTAL SERVICE TO
QUESTIONS 1-3 OF CHAIRMAN'S INFORMATION REQUEST NO. 1

The United States Postal Service hereby provides its responses to the above-listed questions of Chairman's Information Request No. 1, issued on March 4, 2020. Each question is stated verbatim and followed by the response.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorney:

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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)?
 - 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.

RESPONSE:

- a. The Postal Service has not issued regulations or other “administrative directives” in connection with sections 601(b)(1) & (2) since the effective date of amended section 601(b); however, it has updated Publication 542 to incorporate the changes to Title 39. This publication is informational in nature. See https://about.usps.com/publications/pub542/pub542_ch3_001.htm#ep1029138
- b. N/A
- c. N/A
- d. N/A

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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.

RESPONSE:

- a. No. Advisory Opinions may be obtained by making arrangements with the Postal Service Headquarters Library. Nearly all of these opinions predate November 1, 1996 and thus are not required to be posted on the Postal Service's eFOIA reading room.
- b. There are approximately 264 advisory opinions, the last of which was issued in May 2006. The sizes of the opinions vary depending on the complexity of the questions posed, but the opinions are generally 3 to 6 pages. The types of

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questions posed in past opinions have involved issues of scope, definitional questions, and the application of exceptions and suspensions. Since the implementation of section 601(c) of Title 39, the Postal Service has responded to occasional correspondence concerning the Private Express Statutes, but has not issued numbered advisory opinions.

- c. No.
- d. N/A
- e. As indicated in the response to subpart (b), there was one advisory opinion issued after July 1, 2005. Attached electronically to this response is a copy of that document, in which personal information has been redacted. As also noted above, the Postal Service has responded to infrequent correspondence concerning the Private Express Statutes since the implementation of section 601, but has not represented this correspondence to be in the form of an advisory opinion.

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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.

RESPONSE:

- a. No.
- b. We understand the question to be asking whether the Postal Service may continue to promulgate via rulemaking new suspensions to the Private Express Statutes. Such authority no longer is vested in the Postal Service.