

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

Amendments to)
Rules of Practice) Docket No. RM2020-4
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**MOTION OF THE ASSOCIATION FOR POSTAL COMMERCE
TO EXTEND COMMENT DEADLINE
(March 23, 2020)**

Pursuant to 39 C.F.R. § 3001.21, the Association for Postal Commerce (“PostCom”) respectfully moves that the Commission extend the deadline for comment established in this docket by Order No. 5422 and hold this docket in abeyance indefinitely. As a result of the ongoing declared national public health emergency, such a delay is necessary to allow the public to develop meaningful comment on the issues raised by the Advanced Notice of Proposed Rulemaking to Consider Regulations to Carry Out the Statutory Requirements of 39 U.S.C. 601, issued by the Commission on February 7, 2020.

In light of the declared national emergency, Coronavirus (COVID-19), the Commission should delay consideration of non-essential matters, including this docket. Industry resources are fully occupied addressing concerns arising from this pandemic and cannot be immediately diverted to develop meaningful comments on the topics the Commission identified. For instance, mail service providers, including PostCom members, are currently focused on maintaining operations to support critical postal operations as state and local governments issue shelter-in-place and closure orders. Mail owners likewise are focused on how to maintain continuity of operations and preserve their customer bases. As a result, they cannot give full attention to the issues raised in this docket, and they cannot provide the meaningful on-the-

ground feedback associations rely on when preparing comments in Commission dockets. The Postal Service, of course, as an essential service, is fully engaged in managing this crisis and ensuring American households receive critical supplies and information, while at the same time preparing for the impact of a significant economic downturn.¹ With such pressing matters at hand, the Commission is unlikely to receive quality comments it needs to make informed decisions in this docket if it maintains the April 7 comment date.

Accordingly, while industry efforts are directed towards dealing with the pandemic, the Commission should refrain from acting where there is flexibility. In the present case, there is no reason to pursue this docket at the given time, and important reasons to delay consideration. Currently, no rules implement § 601, and to our knowledge no party has raised any issues regarding lack of clarity around the letter monopoly. While PostCom is still gathering information from its members, preliminary indications are that the lack of Commission rules implementing § 601 has not caused significant confusion in the marketplace. There is therefore no immediate need for the Commission to issue rules to clarify the requirements of § 601.

Moreover, the Commission's request for comment covers topics beyond the clarity of the statute, including how "changes to the statutory and regulatory requirements regarding the scope of the letter monopoly [might] affect the financial condition of the Postal Service, competitors of the Postal Service, users of the Postal Service, and/or the general public interest," and whether there are "any social, economic, technological, or other trends that should be taken into account by Congress in considering the scope of the monopoly." Order No. 5422, Ordering Paragraphs 12 and 13. These questions are important, and they warrant serious consideration and informed

¹ See "USPS Statement on Coronavirus," Mar. 17, 2020 ("[T]he Postal Service is an essential service for purposes of its compliance with state or municipality shelter-in-place orders or other social distancing restrictions. The Postal Service delivers medications, social security checks, and is the leading delivery service for on-line purchases. ") available at <https://about.usps.com/newsroom/statements/usps-statement-on-coronavirus.htm>.

comment. But even if the public could devote resources to providing informed comment on these issues at this time, any comments submitted by April 7 would likely be obsolete by April 8.

The COVID-19 emergency is radically impacting “social, economic, technological,” and other trends. Any input the Commission receives on this matter will be outdated almost before it is written—and certainly before the Commission is able to take further action in this docket.

Accordingly, the Commission should place this docket in abeyance until the industry—and the nation—has an opportunity to assess the impact of the coronavirus on our economy, our postal system, and our society. Examination of the Postal monopolies is an important endeavor and PostCom plans to actively participate, but we believe that examination should be conducted when it can be given the attention it requires.

Respectfully submitted,

/s/ Matthew D. Field

Matthew D. Field
Ian D. Volner
VENABLE LLP
600 Massachusetts Ave., NW
Washington, DC 20001
(202) 344-8281
mfield@venable.com
idvolner@venable.com
Counsel for Association for Postal Commerce