

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

Amendments to)
Rules of Practice) Docket No. RM2020-4
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**COMMENTS OF THE ASSOCIATION FOR POSTAL COMMERCE
(April 7, 2020)**

Pursuant to Order No. 5422, the Association for Postal Commerce (“PostCom”) respectfully submits these limited comments on the Commission’s Advance Notice of Proposed Rulemaking to Consider Regulations to Carry out the Statutory Requirements of 39 U.S.C. 601 (“ANOPR”). PostCom submits that there is no need to implement such regulations at this time. Furthermore, in part for reasons explained in PostCom’s March 23, 2020 Motion to Extend Comment Deadline, the Commission should decline to address issues beyond the need for implementing regulations at this time. Given the ongoing COVID-19 pandemic, PostCom is not prepared to provide detailed comments on these issues at this time. Moreover, many of the topics identified for exploration by the Commission relate to potential Congressional actions outside of the Commission’s authority.

I. THERE IS NO IMMEDIATE NEED FOR RULES IMPLEMENTING § 601

Currently, no rules implement § 601, and to our knowledge no party has raised any issues regarding lack of clarity around the letter monopoly. No PostCom members have indicated that the lack of Commission rules implementing § 601 has caused significant confusion in the marketplace.

These reactions likely stem from the straightforward language of § 601. The statute sets forth three easily understandable exceptions to the prohibition on carriage of letters out of the

mail: when the amount paid for the carriage is at least 6 times the current single-piece First-Class Mail rate; when the letter weighs at least 12.5 ounces; and when the carriage is within the exceptions identified by Postal Service regulations. It is difficult to see how Commission regulations interpreting these standards would increase their clarity. In fact, promulgating regulations to implement this section may create, rather than dispel, confusion.

Accordingly, there is no immediate need for the Commission to issue rules to clarify the requirements of § 601.

II. THE COMMISSION SHOULD DEFER CONSIDERATION OF BROADER ISSUES RELATED TO THE LETTER MONOPOLY

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 comment even though they address legislative concerns outside of the Commission’s regulatory authority. 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 defer consideration of these broader issues 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,

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