

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

RESPONSES OF THE UNITED STATES POSTAL SERVICE TO INTERROGATORIES
OF ASSOCIATION OF ALTERNATIVE POSTAL SYSTEMS
(AAPS/USPS-T32-11(a-c))

The United States Postal Service hereby provides its responses to the following interrogatories of Association of Alternative Postal Systems: AAPS/USPS-T32-11(a)-(c) (filed on February 23, 2000).

Each interrogatory has been redirected from witness Mayes to the Postal Service for response.

Each interrogatory is stated verbatim and is followed by the response.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



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March 14, 2000

**RESPONSE OF UNITED STATES POSTAL SERVICE TO AAPS INTERROGATORIES
REDIRECTED FROM WITNESS MAYES**

AAPS/USPS-T32-11. At pages 38 and 39 you address ECR mail, competitors and competition.

(a). Please confirm that the Postal Service (actually, the Post Office Department) has defined the term "letter" in such a way that an alternate delivery company may not deliver a supermarket advertisement to half of the people living in a given neighborhood without paying the postage.

(b). Please confirm that, under the definition of "letter" implemented by the Postal Service, that supermarket brochure (unless it exceeds 32 pages) may be delivered by an alternate delivery company (without paying postage) only if it is delivered to every address.

(c). Please confirm that, given the Private Express Statutes and the Postal Service's definitions implementing them, the most relevant rate for determining impact on private delivery companies such as AAPS members is the rate for saturation ECR at weight levels above the break point.

(d). If the Postal Service's proposal for rate reductions as high as double digits for saturation ECR mail are approved, do you believe that such rate reductions will adversely affect Postal Service competitors? If so, please explain what steps, if any, the Postal Service took to determine the extent of that adverse affect.

Response:

(a) A tangible object consisting of a "supermarket advertising" is a letter, for purposes of the Private Express Statutes, if it is recorded in or on a tangible object, and is delivered to a specific person or place in accordance with a selective delivery plan, as defined by 39 C.F.R. section 310.1(a). As indicated by section 310.1(a)(3), a selective delivery plan does not include delivery to all or randomly selected residents of an area. Whether or not one of the Private Express exceptions or suspensions would apply to permit private carriage of a particular "supermarket advertising" without postage to "half of the people living in a given

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Response to AAPS/USPS-T32-11, cont'd

neighborhood" would depend on the facts surrounding the particular advertising and the manner in which "half of the people" living in the neighborhood became recipients. In accordance with section 310.6, the Advisory Opinions of the Law Department of the Postal Service, which interpret the Private Express Statutes, are available for examination in the USPS Headquarters Library.

- (b) Not confirmed. Please review 39 C.F.R. section 310.1(a)(3) and the response to part (a) above.**
- (c) In order to answer this question, one would need to have access to information about "private delivery companies such as AAPS members" and the matter that they deliver which is neither referenced in nor made available as part of this question.**
- (d) Answered by witness Mayes.**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

A handwritten signature in black ink, appearing to read "Michael T. Tidwell", written over a horizontal line.

Michael T. Tidwell

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