

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

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Experimental Suspension of Fee for
Manual Delivery Confirmation Category

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY
Docket Nos. R2001-2 / MC2001-2

BRIEF OF DAVID B. POPKIN

November 5, 2001

The following is my BRIEF in the above referenced Dockets.

Respectfully submitted,

November 5, 2001 David B. Popkin, PO Box 528, Englewood, NJ 07631-0528

1. In response of Postal Service Witness O'Hara to Question 2 from Postal Rate Commissioners posed at the October 23, 2001 hearing, the Postal Service has stated that the scale of the experiment has been reduced to about 12% of the original nationwide scope. It is now proposed to provide the free service at only ten of the 80-some Districts throughout the country. These Districts cover only part of three states, Ohio, Texas, and California.

2. Section 403 a of Title 39 United States Code states, in part:

The Postal Service shall serve as nearly as practicable the entire population of the United States.

3. Section 403 c of Title 39 United States Code states:

In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preference to any such user.

4. While I certainly am willing to take anything at a lower price, I feel that it will be establishing a dangerous precedence by allowing the Postal Service to utilize rates **for**

an existing service¹ on a discriminatory basis to less than the entire population of the United States in contravention of 39 U. S. C. 403. To allow some of the residents of these three states to receive a service free of charge while I have to pay the full price for it is discriminatory to me and provides an undue preference to them and therefore is in violation of the statute.

5. Furthermore, it is also a violation of my due process in this Docket to allow the Postal Service to make a major change in their proposal, namely, going from 100% geographic coverage to only 12% geographic coverage at this late date and after the close of discovery.

6. Even if this proposal may be of value to the Postal Service in encouraging earlier mailing of holiday packages and in promoting the use of Delivery Confirmation to the public, the undue and unreasonable discrimination to 88% of the mailers in this country and the granting of an undue and unreasonable preference to the remaining 12% of the mailers would be a dangerous precedent and must not be allowed to occur.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with Rule 12.

November 5, 2001

David B. Popkin

¹ This differs from the limited geographical area that was utilized for the initial Mailing Online experimental service in Docket MC98-1. That was a new service and, until established, not available to the public. In contrast, Docket R2001-2 / MC2001-2 is an existing fulltime, established service that is having a discriminatory change in rates being proposed.