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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

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

EXPERIMENTAL RATE AND SERVICE CHANGES TO  
IMPLEMENT NEGOTIATED SERVICE AGREEMENT WITH  
Capital One Services, Inc.

Docket No. MC2002-2

POSTCOM/MFSA RESPONSE TO NAA 1346 COMMENTS

Some of what is said in the "Comments of the Newspaper Association of America on Order No. 1346" ("NAA 1346 Comments") makes good sense. The Association for Postal Commerce (PostCom) and the Mailing & Fulfillment Services Association (MFSA) agree that the proceeding should not move too far or too fast until a fully final version of the proposed Negotiated Service Agreement is filed with the Commission. But we disagree vigorously with the sweeping (and utterly unsupported) conclusion that "the [NSA] proposal is both illegal and unwise and should be rejected...." NAA 1346 Comments, 1. This gratuitous aside is neither procedurally appropriate or substantively defensible.

The Commission invited comment on a few narrowly focused issues in its Notice and Order on filing of Request for Establishment of Experimental Rate

and Service Changes for qualifying First-Class Mailings (“Order No. 1346”) at 8, paragraphs 5 & 6. The NAA assault goes far beyond the scope of the Commission’s enquiry.

Substantively, it is not at all clear what the NAA 1346 Comments intend by this broadside. The pleading does not seek relief consistent with its tenor; the NAA asserts that hearings will be required to adjudicate the Postal Service’s request.

In most particulars, the Postal Service request is not the least bit unusual. The request proposes rates and classifications very much like those that the Commission has been acting on since its inception. The one unusual feature to the request is that the classifications and rates proposed will apply to a single postal customer for the period of the experiment with a proposal of general applicability to follow if the experiment is judged by the Postal Service to be successful. There may (or may not) be sound reasons for this limitation, but that is a matter that ought to be explored in light of the full factual fabric of the proposal. That is, the limited applicability of the proposal is a matter that parties should be free to examine (and the Commission free to adjudicate) in the course of this proceeding. The ill-formed suggestion that there be some sort of summary

adjudication against the Postal Service proposal is certainly unwise (and probably illegal) and should be given no credit by the Commission.

Respectfully submitted,

*Ian Volner fw*

Ian D. Volner  
N. Frank Wiggins  
Venable, Baetjer, Howard & Civiletti, LLP  
1201 New York Avenue, N.W.  
Suite 1000  
Washington, DC 20005-3917  
(202) 962-4800  
[idvolner@venable.com](mailto:idvolner@venable.com)  
[nfwiggins@venable.com](mailto:nfwiggins@venable.com)

Counsel to PostCom and MFSA

October 21, 2002

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.



N. Frank Wiggins  
Venable, Baetjer, Howard & Civiletti, LLP  
1201 New York Avenue, N.W., Suite 1000  
Washington, DC 20005-3917  
202.962.4957  
[nfwiggins@venable.com](mailto:nfwiggins@venable.com)  
Counsel to PostCom and MFSA

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