

UNITED STATES OF AMERICA  
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

PRESIDING OFFICER'S INFORMATION REQUEST NO. 4

(Issued December 16, 2002)

The Postal Service is requested to provide the information described below to assist in developing a record for the consideration of its request. Because this request involves legal opinions, a response by counsel is satisfactory. The answers are to be provided by January 6, 2002.

1. During the December 4, 2002 cross-examination of Postal Service witness Bizzotto, Vice Chairman Covington raised a question regarding what recourse a potential Negotiated Service Agreement candidate has if the candidate is unable to successfully negotiate a Negotiated Service Agreement with the Postal Service, or otherwise feels that it was treated unfairly. Tr. 3/518. Witness Bizzotto stated that she had not contemplated the issue before, but that there is a "fairly well-established process for customers who feel that there is an issue with how they've been treated by the Postal Service." *Id.* Please provide the following information on how the Postal Service intends to resolve a customer grievance related to a Negotiated Service Agreement.

- (a) Describe the existing processes that the Postal Service utilizes to provide review to “customers who feel that there is an issue with how they’ve been treated by the Postal Service.” Include a description of all mechanisms available to a customer to appeal a previous decision of the Postal Service in any stage of these processes.
- (b) Describe what processes, if any, will be available to accommodate a grievance related to a Negotiated Service Agreement. Please consider whether the same process would be available to (a) a mailer that is denied a Negotiated Service Agreement by the Postal Service, and (b) the competitor of a mailer that has a Negotiated Service Agreement with the Postal Service.
- (c) Compare the role played by the Postal Service’s Law Department in negotiating a Negotiated Service Agreement, to the role played by the Postal Service’s Law Department in resolving a grievance related to a Negotiated Service Agreement using the Postal Service’s internal adjudication process.
- (d) Describe the Postal Service’s position on the availability of judicial review of the Postal Service’s final decision regarding a Negotiated Service Agreement grievance. Comment on any claim of immunity provided by § 410(a). Include references to any supporting case law, if applicable.

- (e) During the cross-examination of Witness Bizzotto, the possibility was raised that a Complaint may be filed with the Commission to resolve a Negotiated Service Agreement grievance. Tr. 3/528-29. Describe the Postal Service's position on the role that the Commission should have in resolving Negotiated Service Agreement grievances, and what action will be required of the Postal Service in response to a decision of the Commission.

George Omas  
Presiding Officer