

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

CUSTOMIZED MARKET MAIL MINOR  
CLASSIFICATION CHANGES

Docket No. MC2003-1

**UNITED STATES POSTAL SERVICE NOTICE OF  
DECISION OF THE GOVERNORS  
(July 3, 2003)**

The United States Postal Service hereby provides notice of the attached  
Decision of the Governors in Docket No. MC2003-1:

**DECISION OF THE GOVERNORS OF THE UNITED STATES POSTAL SERVICE  
ON THE RECOMMENDED DECISION OF THE POSTAL RATE COMMISSION  
APPROVING STIPULATION AND AGREEMENT FOR CUSTOMIZED MARKET  
MAIL MINOR CLASSIFICATION CHANGES, DOCKET No. MC2003-1**

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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July 3, 2003

**DECISION OF THE GOVERNORS OF THE UNITED STATES POSTAL SERVICE  
ON THE RECOMMENDED DECISION OF THE POSTAL RATE COMMISSION  
APPROVING STIPULATION AND AGREEMENT FOR CUSTOMIZED MARKET MAIL  
MINOR CLASSIFICATION CHANGES, DOCKET NO. MC2003-1**

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June 27, 2003

**STATEMENT OF EXPLANATION AND JUSTIFICATION**

On June 6, 2003, the Postal Rate Commission issued its Recommended Decision in Docket No. MC2003-1.<sup>1</sup> The Commission recommended that the Postal Service's proposal for minor classification changes for Customized Market Mail (CMM) be established. The Commission based its recommended decision on a Stipulation and Agreement signed by most participants in the proceeding.

The Governors have concluded that the Commission's recommendations will establish fair and equitable classifications, and are in accord with the policies of the Postal Reorganization Act. Pursuant to 39 U.S.C. § 3625, we approve the Recommended Decision. By resolution, the Board of Governors has today set August 10, 2003, as the date for the classification changes to become effective.

**PROCEDURAL HISTORY**

Docket No. MC2003-1 was initiated on March 14, 2003, when the Postal Service filed with the Commission a Request for a Recommended Decision on CMM Minor Classification Changes. The Postal Service designated the request as one involving a minor classification change, and thereby requested that the Commission apply its expedited minor classification case rules of practice and procedure in 39 CFR §§ 3001.69 - 3001.69c. The Postal Service also moved for waiver of certain filing requirements of the Commission's Rules of Practice and Procedure in connection with its Request. On March 19, the Commission issued Order No. 1365 providing notice of the proceeding and inviting interested persons to intervene through April 9. 68 Fed. Reg. 14435 (Mar. 25, 2003). In view of the fact that the prospects for achieving settlement seemed favorable, the Commission appointed counsel for the Postal Service as settlement coordinator.

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<sup>1</sup> Opinion and Recommended Decision Approving Stipulation and Agreement, Docket No. MC2003-1 (June 6, 2003).

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Activity in the proceeding was minimal. There were no contested material issues of fact, and no participants requested hearings on the Postal Service's direct case or the opportunity to present a case-in-chief or evidentiary rebuttal. A procedural challenge was, however, raised at an early stage of the proceeding. In particular, the Office of the Consumer Advocate (OCA), supported by Val Pak Direct Marketing Systems, Inc. and Val-Pak Dealers' Association, argued that the Postal Service's Request for CMM was deficient and was not properly before the Commission under the applicable procedural rules, because the Postal Service had not provided quantitative information showing the impact on postal costs and revenues. The Commission disposed of this controversy in Order No. 1368, issued on April 14. The Commission ruled that the Request was properly before the Commission under the expedited minor classification rules, and the Commission further granted the Postal Service's Motion for Waiver.

On April 30, the Postal Service moved to have the Commission accept a Stipulation and Agreement. In addition to the Postal Service, eleven participants, including Advo, Alliance of Nonprofit Mailers, American Postal Workers Union, American Spirit Graphics, AOL/Time Warner, Mail Fulfillment Service Association, Direct Mail Association, Magazine Publishers Association, Mail Order Association of America, Parcel Shippers Association, and Postcom signed onto the Stipulation and Agreement. Only Val-Pak Dealers' Association, Inc., Val-Pak Direct Marketing Systems, and the OCA opposed the stipulation and agreement. On June 6, the Commission issued its recommended decision approving the Stipulation and Agreement.

### **CLASSIFICATION CHANGES**

The CMM classification changes will enable certain types of advertising pieces, consisting of thin, lightweight, nonrectangular shapes, to become mailable.<sup>2</sup> Such pieces would be limited to the nonletter basic rate categories in the Standard Mail Regular and Nonprofit subclasses. Unlike other Standard Mail Nonletters, which can weigh up to 16 ounces, CMM pieces would be limited to 3.3 ounces, and would not be eligible for additional presort, automation, or destination entry discounts. CMM pieces would further be subject to strict entry requirements, so as to prevent them from entering into mail processing operations. Specifically, CMM would bypass

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<sup>2</sup> In addition, CMM would be an option for pieces between ¼-inch and ¾-inch in thickness.

(continued...)

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all mail processing operations at plants and would enter the mailstream at the deepest possible entry point, *i.e.*, the destination delivery unit (DDU) level. Mailers could enter CMM directly at the DDU under existing mailing standards, or avail themselves of upstream verification combined with Express, Priority, or Plant-Verified dropshipment for entry at the DDU. Ancillary and special service restrictions would also simplify handling methods and prevent CMM from entering the mail processing network in other ways. In addition, due to the fact that CMM would not necessarily consist of rectangular shapes or letters or flats as currently defined, the residual shape surcharge would apply to all items entered as CMM. Accounting for the surcharge, the effective rate of CMM pieces in the Regular subclass would be 57.4 cents per piece, which constitutes the highest rate element combination in Standard Mail for piece-rated pieces.<sup>3</sup>

#### **THE SETTLEMENT**

The settlement agreement in this case represents the cooperative efforts of many of the participants. The Stipulation and Agreement received overwhelming support, with eleven participants, in addition to the Postal Service, signing onto its terms. Only three participants opposed the stipulation and agreement.

In recommending the Stipulation and Agreement, the Commission has carried out its responsibilities under the Act to assess the settlement proposal, and to consider the particular circumstances of this case. The Commission independently reviewed the evidentiary record and concluded that it provides substantial evidence supporting the Commission's recommendations for CMM. PRC Op. MC2003-1 at 27. Our authority under the Act to approve the Commission's recommendations entitles us to rely on its findings and reasoning, as well as the entire record before us and the Commission. On the basis of our own review, we also find that the results in this proceeding are supported by the stipulations embodied in the settlement agreement. The Stipulation and Agreement adopts the record filed by the Postal Service, as well as designated discovery, as providing substantial evidence for establishing the classification changes embodied in the settlement agreement.

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(...continued)

<sup>3</sup> Nonprofit CMM would be subject to an effective unit price of 46 cents.

With respect to the opponents' concerns about the absence of quantitative information on the costs of CMM, the Commission appropriately concluded that these objections were not a bar to adoption of the Stipulation and Agreement. In particular, the Commission noted that all indications are that CMM will be an extremely low-volume offering, especially in the context of overall Standard Mail volume. PRC Op. MC2003-1 at 25. The Commission further found that the absence of quantitative information did not prevent the Commission from concluding that the proposal satisfies the applicable statutory criteria. *Id.* at 26. We find that the Commission's resolution of the controversy is reasonable and persuasive, and that record evidence amply demonstrates that the proposal satisfies the statutory criteria, notwithstanding the absence of quantitative cost data concerning CMM.

Finally, we note that the settlement agreement concluded by the parties, as well as the Commission's expeditious handling of the proceeding, allowed the Commission to satisfy its objective of returning a recommendation within the 90 day period specified in its procedural rules. The Governors are grateful for the participants' cooperative efforts and the Commission's swift resolution of the case, and we sincerely hope that these efforts will continue in future cases.

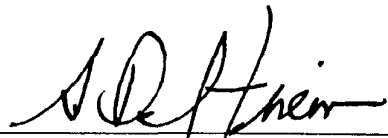
#### **ESTIMATE OF ANTICIPATED REVENUE**

The statute (39 U.S.C. § 3625(e)) provides that our Decision include an estimate of anticipated revenue. Information pertinent to this provision was discussed by Postal Service witness Hope (USPS-T-2), and relied upon by the Commission in reaching its decision in this proceeding. PRC Op. MC2003-1, at 12. The record establishes that CMM's impact on Standard Mail Regular and Nonprofit subclasses overall is anticipated to be minimal, and its effect on the coverage of institutional costs is expected to be negligible. These factors in combination appropriately led the Commission to conclude that "CMM will result in no significant change to the overall institutional contribution of Standard Mail as currently configured." *Id.* at 26. We fully support these findings.

**ORDER**

In accordance with the foregoing Decision of the Governors, the changes in mail classification attached hereto and incorporated herein are approved and ordered into effect. In accordance with Resolution No. 03-9 of the Board of Governors, the changes will take effect at 12:01 a.m. on August 10, 2003.

By the Governors:

A handwritten signature in black ink, appearing to read "S. David Fineman", written over a horizontal line.

S. David Fineman, Chairman

**RESOLUTION OF THE BOARD OF GOVERNORS  
OF THE  
UNITED STATES POSTAL SERVICE**


**Resolution No. 03-9**

Effective Date of New Customized Market Mail Minor Classification Changes

**RESOLVED:**

Pursuant to section 3625(f) of Title 39, United States Code, the Board of Governors determines that the classification changes that were ordered to be placed into effect by the Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission Approving Stipulation and Agreement for Customized Market Mail Minor Classification Changes, adopted on June 27, 2003, shall become effective at 12:01 a.m. on August 10, 2003.

The foregoing Resolution was adopted by the Board of Governors on June 27, 2003.

  
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William T. Johnstone, Secretary

**ATTACHMENT A TO THE DECISION OF THE GOVERNORS OF THE UNITED STATES POSTAL SERVICE ON  
THE RECOMMENDED DECISION OF THE POSTAL RATE COMMISSION  
APPROVING STIPULATION AND AGREEMENT FOR CUSTOMIZED MARKET MAIL MINOR  
CLASSIFICATION CHANGES, DOCKET No. MC2003-1  
(ADDITIONS UNDERLINED; DELETIONS IN BRACKETS)**



**STANDARD MAIL**  
**RATE SCHEDULE 321A**  
**REGULAR**  
**PRESORTED CATEGORIES**

	<b>Rate</b>
<b>Letter, minimum piece rate</b>	
Piece Rate	
Basic	\$ 0.268
3/5-digit	0.248
Destination Entry Discounts	
BMC	0.021
SCF	0.026
<b>Nonletters, minimum piece rate</b>	
Piece Rate	
Basic	0.344
3/5-digit	0.288
Destination Entry Discounts	
BMC	0.021
SCF	0.026
<b>Nonletters, piece and pound rate</b>	
Piece Rate	
Basic	0.198
3/5-digit	0.142
Pound Rate	0.708
Destination Entry Discounts (off pound rate)	
BMC	0.100
SCF	0.125

**SCHEDULE 321A NOTES**

1. A fee of \$150.00 must be paid each 12-month period for each bulk mailing permit.
2. Residual shape pieces are subject to a surcharge of \$0.23 per-piece. For parcel barcode discount, deduct \$0.03 per-piece (machinable parcels only).
3. For nonletters, the mailer pays either the minimum piece rate or the pound rate, whichever is higher.
4. Nonmachinable letters are subject to a \$0.04 nonmachinable surcharge.
5. Pieces entered as Customized Market Mail, as defined in DMCS section 321.22, are subject to the nondestination entry, nonletter minimum per-piece basic rate and the residual shape surcharge.

**STANDARD MAIL  
RATE SCHEDULE 323A**

**NONPROFIT  
PRESORTED CATEGORIES**

	<b>Rate</b>
<b>Letters, minimum piece rate</b>	
Piece Rate	
Basic	\$ 0.165
3/5-digit	0.153
Destination Entry Discounts	
BMC	0.021
SCF	0.026
<b>Nonletters, minimum piece rate</b>	
Piece Rate	
Basic	0.230
3/5-digit	0.183
Destination Entry Discounts	
BMC	0.021
SCF	0.026
<b>Nonletters, piece and pound rate</b>	
Piece Rate	
Basic	0.110
3/5-digit	0.063
Pound Rate	0.584
Destination Entry Discounts (off pound rate)	
BMC	0.100
SCF	0.125

**SCHEDULE 323A NOTES**

1. A fee of \$150.00 must be paid each 12-month period for each bulk mailing permit.
2. Residual shape pieces are subject to a surcharge of \$0.23 per-piece. For parcel barcode discount, deduct \$0.03 per-piece (nonmachinable parcels only).
3. For nonletters, the mailer pays either the minimum piece rate or the pound rate, whichever is higher.
4. Nonmachinable letters are subject to a \$0.02 nonmachinable surcharge.
5. Pieces entered as Customized Market Mail, as defined in DMCS sections 321.22 and 323.22, are subject to the nondestination entry, nonletter minimum per-piece basic rate and the residual shape surcharge.

**ATTACHMENT B TO THE DECISION OF THE GOVERNORS OF THE UNITED STATES POSTAL SERVICE ON  
THE RECOMMENDED DECISION OF THE POSTAL RATE COMMISSION  
APPROVING STIPULATION AND AGREEMENT FOR CUSTOMIZED MARKET MAIL MINOR  
CLASSIFICATION CHANGES, DOCKET NO. MC2003-1  
(ADDITIONS UNDERLINED; DELETIONS IN BRACKETS)**

**FIRST-CLASS MAIL  
CLASSIFICATION SCHEDULE**

**210 DEFINITION**

Any matter eligible for mailing, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22, may, at the option of the mailer, be mailed as First-Class Mail. The following must be mailed as First-Class Mail, unless mailed as Express Mail or exempt under title 39, United States Code, or except as authorized under sections 344.12, 344.23 and 443:

- a. Mail sealed against postal inspection as set forth in section 5000;
- b. Matter wholly or partially in handwriting or typewriting except as specifically permitted by sections 312, 313, 520, 544.2, and 446;
- c. Matter having the character of actual and personal correspondence except as specifically permitted by sections 312, 313, 520, 544.2, and 446; and
- d. Bills and statements of account.

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**STANDARD MAIL  
CLASSIFICATION SCHEDULE**

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**320 DESCRIPTION OF SUBCLASSES**

**321 Regular Subclass**

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**321.2 Presort Rate Categories**

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**321.22 Basic Rate Categories.**

The basic rate categories apply to presort rate category mail not mailed under section 321.23, and to all mail entered as Customized Market Mail (CMM). CMM must be marked and bear endorsements as specified by the Postal Service, and must meet the preparation, addressing, and acceptance requirements specified by the Postal Service. Notwithstanding section 6020, Customized Market Mail may be nonrectangular in shape. The following size standards apply to Customized Market Mail:

- a. Thickness: at least 0.007 inch and no more than 0.75 inch,
- b. Length: at least 5 inches and no more than 15 inches, measured for nonrectangular shapes as specified by the Postal Service.
- c. Height: at least 3.5 inches and no more than 12 inches, measured for nonrectangular shapes as specified by the Postal Service.

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**321.4 Destination Entry Discounts.**

The destination entry discounts apply to Regular subclass mail, except Regular Presort category mail entered as Customized Market Mail under section 321.22, prepared as specified by the Postal Service and addressed for delivery within the service area of the BMC (or auxiliary service facility), or sectional center facility (SCF), at which it is entered, as defined by the Postal Service.

**321.5 Residual Shape Surcharge.**

Regular subclass mail is subject to a surcharge if it is entered as Customized Market Mail under section 321.22 or is prepared as a parcel or if it is not letter or flat shaped.

**321.6 Barcode Discount.**

The barcode discount applies to Regular Subclass mail, except Regular Presort category mail entered as Customized Market Mail under section 321.22, that is subject to the residual shape surcharge in 321.5, is entered at designated facilities, bears a barcode specified by the Postal Service, is prepared as specified by the Postal Service, and meets all other preparation and machinability requirements of the Postal Service.

**321.7 Nonmachinable Surcharge.**

The nonmachinable surcharge applies to Regular presort category letter-sized pieces, except Regular Presort category mail entered as Customized Market Mail under section 321.22, (i) that do not meet the machinability requirements specified by the Postal Service; or (ii) for which manual processing is requested.

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**323 Nonprofit Subclass**

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**323.2 Presort Rate Categories**

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**323.22 Basic Rate Categories.**

The basic rate categories apply to presort rate category mail not mailed under section 322.23, and to all mail entered as Customized Market Mail, as defined in section 321.22.

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**323.4 Destination Entry Discounts.**

Destination entry discounts apply to Nonprofit subclass mail, except Nonprofit Presort category mail entered as Customized Market Mail under section 323.22, prepared as specified by the Postal Service and addressed for delivery within the service area of the BMC (or auxiliary service facility) or sectional center facility (SCF) at which it is entered, as defined by the Postal Service.

**323.5 Residual Shape Surcharge.**

Nonprofit subclass mail is subject to a surcharge if it is entered as Customized Market Mail under section 323.22 or is prepared as a parcel or if it is not letter or flat shaped.

**323.6 Barcode Discount.**

The barcode discount applies to Nonprofit subclass mail, except Nonprofit Presort category mail entered as Customized Market Mail under section 323.22, that is subject to the residual shape surcharge in 323.5, is entered at designated facilities, bears a barcode specified by the Postal Service, is prepared as specified by the Postal Service and meets all other preparation and machinability requirements of the Postal Service.

**323.7 Nonmachinable Surcharge.**

The nonmachinable surcharge applies to Nonprofit presort category letter-sized pieces, except Nonprofit Presort category mail entered as Customized Market Mail under section 323.22, (i) that do not meet the machinability requirements specified by the Postal Service; or (ii) for which manual processing is requested.

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**330 PHYSICAL LIMITATIONS**

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**340 POSTAGE AND PREPARATION**

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**344 Attachments and Enclosures**

**344.1 General**

First-Class Mail may be attached to or enclosed in Standard Mail, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22. The piece must be marked as specified by the Postal Service. Except as provided in section 344.2, additional postage must be paid for the attachment or enclosure as if it had been mailed separately. Otherwise, the entire combined piece is subject to the First-Class rate for which it qualifies.

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**350 DEPOSIT AND DELIVERY**

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**353 Forwarding and Return**

Undeliverable-as-addressed Standard Mail, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22, will be returned on request of the mailer, or forwarded and returned on request of the mailer. Undeliverable-as-addressed combined First-Class and Standard Mail pieces will be returned as specified by the Postal Service. Except as provided in section 935, the applicable First-Class Mail rate is charged for each piece receiving return only service. Except as provided in section 936, charges for forwarding-and-return service are assessed only on those pieces which cannot be forwarded and are returned. Except as provided in sections 935 and 936, the charge for those returned pieces is the appropriate First-Class Mail rate for the piece plus that rate multiplied by a factor equal to the number of Standard Mail pieces nationwide that are successfully forwarded for every one piece that cannot be forwarded and must be returned.

**360            ANCILLARY SERVICES**

361            All Subclasses

All Standard Mail, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22, will receive the following services upon payment of the appropriate fees:

SERVICE	SCHEDULE
a. Address correction	911
b. Certificates of mailing indicating that a specified number of pieces have been mailed	947

Certificates of mailing are not available for Standard Mail when postage is paid with permit imprint.

**362 Regular and Nonprofit**

362.1 Regular and Nonprofit subclass mail, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22, will receive the following additional services upon payment of the appropriate fees.

Service	Schedule
a. Bulk Parcel Return Service	935
b. Shipper-Paid Forwarding	936

**362.2** Regular and Nonprofit subclass mail subject to the residual shape surcharge in 321.5 and 323.6, respectively, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22, will receive the following additional services upon payment of the appropriate fees.

Service	Schedule
a. Bulk Insurance	943
b. Return Receipt (merchandise only)	945
c. Delivery Confirmation	948

Bulk insurance may not be used selectively for individual pieces in a multi-piece Standard Mail mailing unless specific methods approved by the Postal Service for determining and verifying postage are followed.

**363 Regular**

Regular subclass mail, except Regular Presort category mail entered as Customized Market Mail under sections 321.22, will receive the following additional services upon payment of the appropriate fees:

Service	Schedule
a. Netpost Mailing Online	981



**365 Nonprofit**

Nonprofit subclass mail, except Nonprofit Presort category mail entered as Customized Market Mail under sections 323.22, will receive the following additional services upon payment of the appropriate fees:

<b>Service</b>	<b>Schedule</b>
a. Netpost_Mailing Online (starting on a date to be specified by the Postal Service)	981

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**PACKAGE SERVICES  
CLASSIFICATION SCHEDULE**

**510 DEFINITION**

**511 General**

Any mailable matter may be mailed as Package Services mail except:

- a. Matter required to be mailed as First-Class Mail;
- b. Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22; and
- [b]c. Copies of a publication that is entered as Periodicals class mail, except copies sent by a printer to a publisher, and except copies that would have traveled at the former second-class transient rate. (The transient rate applied to individual copies of second-class mail (currently Periodicals class mail) forwarded and mailed by the public, as well as to certain sample copies mailed by publishers.)

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**SPECIAL SERVICES  
CLASSIFICATION SCHEDULE**

**910 ADDRESSING**

911 ADDRESS CORRECTION SERVICE

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**911.2 Availability**

911.21 Address Correction service is available to mailers of postage prepaid mail of all classes, except for mail addressed for delivery by military personnel at any military installation and Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22. Address Correction Service is mandatory for Periodicals class mail.

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**940 ACCOUNTABILITY AND RECEIPTS**

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**943 INSURANCE**

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**943.2 General Insurance**

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**943.22 Availability**

943.221 General Insurance is available for mail sent under the following classification schedules:

- a. First-Class Mail, if containing matter that may be mailed as Standard Mail or Package Services;
- b. Package Services;
- b. Regular and Nonprofit subclasses of Standard Mail, for Bulk Insurance only, for mail subject to residual shape surcharge, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22.

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**945            RETURN RECEIPT**

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945.2            Return Receipt For Merchandise

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945.22            Availability

945.221            Return Receipt for Merchandise is available for merchandise sent under the following sections or classification schedules:

- a.            Priority Mail;
- b.            Standard Mail pieces subject to the residual shape surcharge, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22;
- c.            Package Services.

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**947            CERTIFICATE OF MAILING**

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**947.2            Availability**

947.21            Certificate of Mailing service is available for matter sent using any class of mail, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22.

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**948 DELIVERY CONFIRMATION**

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**948.2 Availability**

947.22 Delivery Confirmation service is available for First-Class Letters and Sealed Parcels subclass mail that is parcel-shaped, as specified by the Postal Service; Priority Mail; Standard Mail, in the Regular and Nonprofit subclasses, that is subject to the residual shape surcharge, except Regular and Nonprofit Presort category mail entered as Customized Market Mail under sections 321.22 and 323.22; and Package Services mail that is parcel-shaped, as specified by the Postal Service.

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**GENERAL DEFINITIONS, TERMS AND CONDITIONS**

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**6000 MAILABLE MATTER**

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**6020 Minimum Size Standards**

Except as provided in sections 321.22 and 323.22, [T]the following minimum size standards apply to all mailable matter:

- a. All items must be at least 0.007 inch thick, and
- b. all items, other than keys and identification devices, which are 0.25 inch thick or less must be
  - i. rectangular in shape,
  - ii. at least 3.5 inches in width, and
  - iii. at least 5 inches in length.

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