

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Proposed Amendment to
The Commission's Rules

Docket No. RM2004-1

REPLY COMMENTS OF LIFETIME ADDRESSING, INC.

Lifetime Addressing, Inc. ("Lifetime Addressing") respectfully submits the following reply comments regarding the proposed amendment of 39 C.F.R. §3001.5 to include a new subsection (r) defining the term "postal service."

The Initial Comments of the United States Postal Service (USPS) do not address the critical issue of how to define postal vs. nonpostal services in a manner that protects the public interest. USPS offers a proposed wording which would protect its self-interest in avoiding regulatory oversight, to the greatest extent possible, of commercial services it might offer in competition with the private sector. The fact that such services might well be outside the core mission of USPS supports an argument for a stricter definition of Commission jurisdiction.

It is respectfully submitted that the Comments of the Office of the Consumer Advocate and Consumer Action present more persuasive analysis and supporting authority for a conclusion that in the future the question of whether a USPS product or service is jurisdictional or nonjurisdictional should be framed in terms of whether it is provided on behalf of another agency's mission or to fulfill the mission of USPS. "If the answer is to fund the mission of the Postal Service, then the product or service is subject to the Commission's jurisdiction under Chapter 36." (Office of the Consumer Advocate and Consumer Action Comments on Proposed Amendment to the Commission's Rules of Practice and Procedure at 12). This definition protects the public interest.

Moreover, USPS does not comment upon the recent decision of the United States Supreme Court in *United States Postal Service v. Flamingo Industries (USA) Ltd.*, No 02-1290 (February 25, 2004). The decision exempted USPS from antitrust liability, further underscoring the need for the greatest degree of regulatory oversight, as

noted by Pitney Bowes Inc. (Comments of Pitney Bowes, Inc. at 3, n.1). As Pitney Bowes also noted, the Supreme Court took into account the fact that USPS was subject to Commission oversight in not subjecting it to the antitrust laws.

For all of the foregoing reasons, Lifetime Addressing urges the Commission to adopt a broad definition of “postal service” to protect the public interest and supports the definitions of postal and nonpostal services proposed in the Appendix to the Comments of the Office of the Consumer Advocate and Consumer Action.

Respectfully submitted,
Lifetime Addressing, Inc.

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