

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

Rate and Service Changes To Implement  
Functionally Equivalent Negotiated Service  
Agreement With Discover Financial Services, Inc.

Docket No. MC2004-4

**INITIAL BRIEF OF AMERICAN BANKERS ASSOCIATION**

**(SEPTEMBER 8, 2004)**

The American Bankers Association (ABA) is a nonprofit membership organization incorporated under the provisions of the District of Columbia Nonprofit Corporation Act, with principal offices in Washington, D.C. The membership of ABA is composed of banks located in each of the 50 states and the District of Columbia.

The Commission has before it the first functionally equivalent Negotiated Service Agreement (NSA) to reach this stage. Through the efforts of the Commission and all of the parties, this proceeding has gone well and has proven the soundness of both the concept of functionally equivalent NSAs and the procedures established by the Commission for NSA requests.

The issues involved in this case have been well developed by the parties in the proceedings to date and will be addressed in detail in their briefs. With the evidence of record in this case, it appears that requirements for a functionally equivalent NSA have been so completely met that the only question remaining is "If this request does not meet the requirements for a functionally equivalent NSA, will they ever be met?"

In order to provide the access to NSAs envisioned by the Commission when it established the functionally equivalent NSA process, ABA, as the only representative of the banking industry to intervene in this case, urges the Commission to approve this request as filed. Such an approval will, in appropriate cases, make the NSA process available to a wider variety of mailers, including banks, by reducing the time, money and other resources necessary to pursue an NSA.

Respectfully submitted,

Irving D. Warden  
Associate General Counsel  
American Bankers Association

#### **CERTIFICATE OF SERVICE**

I certify that I have this date served the foregoing document in accordance with the rules of practice.

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