

**BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001**

Complaint on Express Mail

Docket No. C2005-1

**DOUGLAS F. CARLSON
COMPLAINT ON EXPRESS MAIL**

February 18, 2005

NAME AND ADDRESS OF COMPLAINANT

1. Complainant is Douglas F. Carlson, PO Box 191711, San Francisco CA 94119-1711.

STATEMENT OF COMMISSION JURISDICTION

2. Interested parties who believe that the Postal Service is charging rates that do not conform to the policies set out in the Postal Reorganization Act or who are not receiving postal services in accordance with the policies of the Act may lodge a complaint with the Commission. 39 U.S.C. § 3662.

3. I am an interested party within the meaning of 39 U.S.C. § 3662 because I use Express Mail service.

4. The Postal Reorganization Act requires the Postal Service to submit a proposal to the Commission requesting an advisory opinion on any change in the nature of postal services that will generally affect service on a nationwide or substantially nationwide basis. 39 U.S.C. § 3661(b). The Postal Service must request this advisory opinion within a reasonable time *before* the effective date of such a proposal. *Id.* When the Postal Service changes the nature of postal services in a way that generally affects service on a nationwide or substantially

nationwide basis without first requesting an advisory opinion from the Commission, the Commission has jurisdiction to hear a complaint filed pursuant to 39 U.S.C. § 3662.

BACKGROUND ON EXPRESS MAIL SERVICE

5. Express Mail is an expedited postal service available in five basic domestic service offerings: Same Day Airport Service, Custom Designed Service, Military Service, Next Day Service, and Second Day Service. DMM § E500.1.2. This complaint focuses on Post Office to Addressee Next Day Service and Post Office to Addressee Second Day Service.

6. Next Day Service and Second Day Service appear in the Domestic Mail Classification Schedule. DMCS § 123.

7. Next Day Service provides for overnight delivery. DMCS § 123.1. Second Day Service provides for “second day delivery.” *Id.*

8. Second Day Service is available to any three-digit or five-digit ZIP Code destination that is not listed in the Next Day Service directory. DMM § E500.6.3.

9. Second Day Service is available for Express Mail shipments presented by 5:00 PM or a later time authorized by the postmaster. DMM § E500.6.2.

10. Collection-times labels on Express Mail collection boxes state that Express Mail will be delivered “overnight or the second day[.]” Decal 54-B, August 1995.

11. Neither the DMCS nor the DMM creates, authorizes, describes, or otherwise discusses a level of Express Mail service that will provide a first delivery attempt more than two days after mailing.

SERVICE PROBLEMS DOCUMENTED IN DOCKET NO. R2000-1

12. Evidence produced in Docket No. R2000-1 revealed that the Postal Service sometimes guaranteed delivery of Express Mail for days on which the

Postal Service should have known that delivery would not be attempted. Typical examples included Express Mail destined to post-office boxes in postal facilities that are not open on Sundays or that do not provide a means by which customers can pick up Express Mail on Sundays; Express Mail destined to rural addresses for Sunday delivery; and Express Mail destined to post offices that do not receive mail every day. See Docket No. R2000-1, Douglas F. Carlson Initial Brief at 24–26.

13. In my initial brief in Docket No. R2000-1, I recommended that the Postal Service develop a new type of Express Mail service that would guarantee delivery on the next delivery day for instances in which delivery on a Sunday or holiday would not be possible. To implement this concept, I suggested that the Postal Service could build a database that would inform customers of realistic service commitments. Carlson Initial Brief at 25.

14. In its opinion and recommended decision in Docket No. R2000-1, the Commission wrote:

The Commission is concerned that the Postal Service is not properly informing consumers about the limitations of its delivery network, and that the Postal Service accepts Express Mail knowing that the published delivery standards are impossible to achieve. The Commission suggests the Service review its overall advertising and consumer information for Express Mail so that consumers are made aware of potential limitations of the service.

PRC Op. R2000-1 at 220–21, ¶ 5013.

15. During the time when Docket No. R2000-1 was being litigated, the Postal Service guaranteed delivery of Express Mail to every address in the United States on Sundays and all holidays, and the Postal Service in fact delivered Express Mail to most addresses in the United States on Sundays and holidays. The problems described in ¶ 12, *supra*, were exceptional and did not affect the vast majority of potential or actual Express Mail volume.

RECENT CURTAILMENT OF SUNDAY AND HOLIDAY DELIVERY

16. In 2001 or 2002, with no public notice or announcement, the Postal Service stopped delivering Express Mail on Sundays and holidays to a substantial majority of ZIP Codes nationwide.

17. As of December 25, 2004, the Postal Service delivers to only 13,122 ZIP Codes nationwide on Sundays and holidays. Approximately 43,000 active ZIP Codes exist.

18. Although the Postal Service has ended delivery of Express Mail on Sundays and holidays to a substantial majority of ZIP Codes nationwide, the Postal Service has not requested an opinion and recommended decision from the Commission to establish a classification and rate for Express Mail commitments and delivery in three or more days.

19. By ending delivery of Express Mail on Sundays and holidays to a substantial majority of ZIP Codes nationwide, the Postal Service changed the nature of postal services on a nationwide or substantially nationwide basis without first obtaining an advisory opinion from the Commission, as 39 U.S.C. § 3661(b) requires.

20. The Postal Reorganization Act requires the Postal Service to develop and promote “adequate and efficient postal services.” 39 U.S.C. § 3661(a). With the elimination of Special Delivery service in 1997 and the substantial curtailment of Express Mail delivery on Sundays and holidays, the Postal Service no longer provides adequate delivery services on Sundays and holidays.

NEW “SECOND DELIVERY DAY” SERVICE

21. Consistent with my recommendation in Docket No. R2000-1, the Postal Service has developed a new Express Mail service offering called “Second Delivery Day.” The Postal Service guarantees Express Mail for delivery on the “second delivery day” when the Express Mail would otherwise be guaranteed for delivery on a Sunday or holiday in a destination ZIP Code that is not on the list of

13,122 ZIP Codes for which Sunday and holiday delivery are available. The Postal Service will deliver the item on the next day after the second day that is not a Sunday or holiday. For example, if a person sends an Express Mail item on a Friday, and if Next Day Service is not available, the item will be delivered on Monday (or Tuesday, if Monday is a holiday) if the destination ZIP Code is not on the list of 13,122 ZIP Codes for which Sunday and holiday delivery is available. Express Mail guaranteed for delivery on the “second delivery day” normally is guaranteed for delivery three or four days after mailing.

22. In addition, the Postal Service created a list of 807 ZIP Codes for which Sunday and holiday delivery is available to post-office boxes. For Express Mail destined to a post-office box, the Postal Service guarantees Express Mail for delivery on the “second delivery day” when the Express Mail would otherwise be guaranteed for delivery on a Sunday or holiday unless the Express Mail is destined to one of the 807 ZIP Codes on this list.

23. Although DMM § E500.6.2 states that Second Day Service is available for shipments presented by 5:00 PM, some post offices start guaranteeing shipments for delivery on the “second delivery day” — Monday (or Tuesday, if Monday is a holiday) — as early as 3:00 PM on Thursdays.

24. The Postal Service created a Web site that provides Express Mail service commitments to the public. The Web site also provides the locations and collection times of Express Mail collection boxes. The commitments provided on the Web site sometimes are incorrect. For example, the Web site indicates a guarantee of two-day delivery for Express Mail items sent on Friday from San Francisco to Ellensburg, Washington. The Postal Service does not, in fact, deliver Express Mail on Sundays in Ellensburg, and the delivery guarantee actually will be “second delivery day” — Monday (or Tuesday, if Monday is a holiday).

25. Exhibit 1 contains sample printouts from the Web site for Express Mail sent on Friday, December 24, 2004, to Santa Cruz, California (ZIP Code 95060),

and Berkeley, California (ZIP Code 94703), two cities in which Express Mail no longer is delivered on Sundays and holidays. These printouts show that even Express Mail sent within the same city on December 24, 2004, was guaranteed for delivery on the “second delivery day,” or December 27, 2004, because December 25 was Christmas Day and December 26 was a Sunday.

26. The March 2004 version of Label 11-B, Express Mail Mailing Label — Post Office to Addressee, has been revised to show three possible delivery days: “Next”, “2nd”, and “2nd Del. Day.”

27. “Second Delivery Day” is an Express Mail service offering that does not appear in the DMM or the DMCS. The Postal Service was required under 39 U.S.C. §§ 3621, 3622(a), and 3623(b) to request a recommended decision from the Commission before establishing a classification or rate for “Second Delivery Day” Express Mail service or shifting some Express Mail volume from guaranteed Second Day Service to “Second Delivery Day” service.

28. The Postal Service failed to request a recommended decision from the Commission before establishing a classification or rate for “Second Delivery Day” Express Mail service or shifting some Express Mail volume from guaranteed Second Day Service to “Second Delivery Day” service.

29. “Second Delivery Day” Express Mail service has a lower value of service than Next Day Service and Second Day Service.

30. When customers send Express Mail on Fridays to destinations for which Next Day Service is not available, or when customers’ Express Mail is accepted on Fridays after the cutoff time for Next Day Service, their Express Mail is guaranteed for delivery on Monday (or Tuesday, if Monday is a holiday) unless the destination ZIP Code appears on the list for Sunday and holiday delivery. The service standard for First-Class Mail deposited on Fridays is three days as well, yet First-Class Mail rates start at 37 cents.

**REDUCTION IN OVERNIGHT DELIVERY AREA
FOR SATURDAY AND EVE-OF-HOLIDAY ACCEPTANCE**

31. In 2001 or 2002, the Postal Service substantially shrank the radius of the overnight network for Express Mail sent on Saturdays and eves of holidays. From most cities on weekdays, Next Day Service typically is available to 50 states. On Saturdays and eves of holidays, Next Day Service typically is available to only a very small fraction of destination ZIP Codes in fewer than five to 15 states. For example, Next Day Service is available to every state from Oakland, California, on weekdays. On Saturdays and eves of holidays, however, the only ZIP Code in the entire state of Washington for which Next Day Service is available from Oakland is 98110.

32. By substantially shrinking the radius of the overnight network for Express Mail sent on Saturdays and eves of holidays, the Postal Service changed the nature of postal services on a nationwide or substantially nationwide basis without first obtaining an advisory opinion from the Commission, as 39 U.S.C. § 3661(b) requires.

33. By substantially shrinking the radius of the overnight network for Express Mail sent on Saturdays and eves of holidays, the Postal Service lowered the value of Express Mail service.

MISLEADING INFORMATION PROVIDED TO CUSTOMERS

34. Despite the Postal Service's decision to cease delivering Express Mail to a majority of ZIP Codes on Sundays and holidays, the Postal Service continues to mislead customers into believing that Sunday delivery and holiday delivery are widely available.

35. In the September/October 2004 issue of *Mailers Companion*, the Postal Service advertised:

Express Mail service offers guaranteed delivery 365 days a year, including all weekends and holidays. The overnight delivery money-back guarantee typically applies to local area delivery and

for delivery to major metropolitan areas where timely air transportation are [sic] available. Express Mail service to all other areas is offered with a 2-day guarantee. While the Postal Service will accept items for Express Mail delivery on Christmas Day, customers are asked to check with their local Post Office for details.

See Exhibit 2. The first sentence is misleading because Express Mail delivery is guaranteed on weekends and holidays only to a minority of destination ZIP Codes. The second sentence is misleading because, for Express Mail sent on Saturdays or eves of holidays, overnight delivery generally is not available because Sunday and holiday delivery are not available to most destination ZIP Codes, even in the local area. The third sentence is misleading because some Express Mail is guaranteed for delivery on the “second delivery day,” which often means three days (Friday to Monday) or four days (Friday to Tuesday, if Monday is a holiday). The fourth sentence is misleading because Express Mail is guaranteed for delivery on Christmas Day only to a minority of destination ZIP Codes. While the second clause of the fourth sentence advises customers to check with their local post office “for details,” if the first clause of the sentence is true, those “details” necessarily must not include the fact that delivery on Christmas Day is not available.

36. Gus Ruiz, a Postal Service spokesman in San Jose, California, told a television reporter for Oakland television station KTVU Channel 2 on December 20, 2004, that the Postal Service delivers Express Mail on Christmas Day. In reality, the Postal Service does not guarantee Express Mail delivery on Christmas Day for most cities in Mr. Ruiz’s district or most ZIP Codes in San Jose. Mr. Ruiz did not mention that the Postal Service does not guarantee delivery of Express Mail on Christmas Day for most destination ZIP Codes.

37. In November 2004, the Postal Service sent a *Shipping & Mailing Holiday Guide* to customers nationwide. A chart in this guide stated that Express Mail “[s]ervices most locations 365 days a year.” Exhibit 3. This statement was misleading because the Postal Service delivers Express Mail on Sundays and holidays to only 13,122 out of approximately 43,000 ZIP Codes nationwide. The

guide also advised customers to ship Express Mail by December 23 “(national)” and December 24 “(local)” to arrive “before Dec. 25th.” Assuming the guide meant “by Dec. 25th,” the guide nonetheless was misleading because Express Mail sent on December 23 to a destination for which overnight service is not available was not guaranteed for delivery by December 25 unless the destination ZIP Code was one of the minority of ZIP Codes for which Sunday and holiday Express Mail delivery was available. Assuming the guide meant “by Dec. 25th,” the guide also was misleading because even “local” Express Mail sent on December 24 was not guaranteed for delivery by December 25 unless the destination ZIP Code was one of the minority of ZIP Codes for which Sunday and holiday Express Mail delivery was available. See Exhibit 1 for the commitments for Express Mail sent within Berkeley and Santa Cruz, two cities where Express Mail delivery on Sundays and holidays is not available.

38. On December 23, 2004, the Postal Service issued a national press release that stated:

Customers can obtain Express Mail delivery for Dec. 25 when shipping Express Mail items on Friday, Dec. 24 from a Post Office within the overnight service area of the addressee. Any address within the same 3-digit ZIP Code area is within the guaranteed overnight service area, eg. [sic], “123XX” to “123YY.”

News Release No. 04-097; Exhibit 4. This statement is misleading because even Express Mail destined to an address within the same three-digit ZIP Code of the acceptance office was not guaranteed for delivery on Christmas Day unless the destination ZIP Code was on the list of 13,122 ZIP Codes for which the Postal Service provides delivery on Sundays and holidays. For a substantial majority of destination ZIP Codes, Express Mail was not guaranteed for delivery on Christmas Day even if it was mailed in the destination city.

39. While the “Second Delivery Day” service offering does permit the Postal Service to provide accurate information to customers about service guarantees at the time of mailing, the misleading information provided to customers prior to their visit to the post office to mail their Express Mail items may leave them with

no other options. That is, customers may rely on Postal Service advertisements to their detriment. For example, if a customer reads in the *Shipping & Mailing Holiday Guide* or learns from a Postal Service spokesman or press release that he/she can send “local” Express Mail on December 24 and achieve delivery on Christmas Day, this customer may wait until December 24 to ship the package. When the window clerk informs the customer that delivery will not be guaranteed until December 27, the customer may have no other practical options to ensure delivery on Christmas Day.

40. Some remote or rural post offices do not receive mail at least six days a week. The Postal Service still guarantees Express Mail delivery to remote or rural offices on days when transportation does not exist to achieve delivery on the promised day.

UNFAIR AND INEFFICIENT ACCEPTANCE PRACTICES

41. When customers present Express Mail items at a retail window, they receive the delivery guarantee stated by the Postal Service’s computerized retail terminal. Several Express Mail cutoff times may apply during the day. For example, a post office might offer overnight service from Oakland, California, to New York, New York, if the item is presented at a post office by 2:30 PM. Overnight service to regional locations may continue to be provided until, for example, 5:00 PM, which often also is the closing time of the post office.

42. If a customer is in line at the post office by the cutoff time, the Postal Service will guarantee delivery based on the time that the transaction is processed at the retail window. Thus, if the customer in Oakland reaches the window at 2:33 PM in the first example or at 5:02 PM in the second example, the Postal Service will guarantee delivery on the second day or the “second delivery day,” even though transportation is still available to meet the overnight service guarantee because the dispatch truck has not departed yet. In fact, the Postal Service will guarantee delivery on the second day or the “second delivery day”

even if the Express Mail item, after accepted, will be placed in the same dispatch container as Express Mail processed at the retail terminal before the cutoff time.

43. According to DMCS § 123.1, Next Day and Second Day Services are available for items “tendered by the time or times specified by the Postal Service.” The word “tender” means to “present for acceptance.” A customer tenders Express Mail items within the meaning of DMCS § 123.1 when he/she enters the line at a retail window with a properly prepared Express Mail article that is ready for shipment. At this point, the customer will have done all that he/she can do to present the item for acceptance, and any further delay will be within the control of the Postal Service.

44. When the Postal Service declines to offer Next Day or Second Day Service to customers who enter the line at a retail window by the cutoff time with a properly prepared Express Mail article that is ready for shipment but whose transactions are not processed by the cutoff time, the Postal Service fails to provide efficient postal services within the meaning of 39 U.S.C. § 3661(a) if transportation is still available to transport those Express Mail items to provide the Next Day or Second Day service guarantee that applied to Express Mail items actually processed by the cutoff time. The concept of efficiency contained within section 3661(a) extends to the effects of Postal Service policies, practices, and services on the public.

45. Some post offices, as a matter of policy or practice, do not guarantee Express Mail for delivery on Sundays or holidays even when the retail terminal correctly indicates that Sunday or holiday delivery is available and guaranteed.

46. Some post offices advise customers that printed Express Mail Next Day Service directories are unavailable, even though DMM § 500.5.2 states: “An Express Mail Next Day Service directory, showing detailed local information about Express Mail Next Day Service, is available at post offices.”

47. The Postal Service does not provide sufficient information to customers to allow them to determine the service guarantee that will apply to an item that

they deposit in Express Mail collection boxes. Moreover, the “time and date of mailing” for items deposited in Express Mail collection boxes is the time and date when the items are brought to an Express Mail acceptance unit. DMM § D500.2.3(b).

CLASS OF PERSONS AFFECTED

48. Postal customers nationwide who use Express Mail service are affected by the Express Mail service changes and the Postal Service’s establishment of a rate or classification for “second delivery day” Express Mail service without Commission approval.

CORRESPONDENCE WITH THE POSTAL SERVICE

49. Pursuant to Rule 83(e), prior correspondence with the Postal Service relating to the subject matter of this complaint appears in Exhibit 5.

STATEMENT OF RELIEF REQUESTED

50. Pursuant to 39 U.S.C. § 3662, I request that the Commission issue a recommended decision establishing a classification and rate for “second delivery day” Express Mail service. In the alternative, pursuant to 39 U.S.C. § 3623(b), I request that the Commission submit, on its own initiative, a recommended decision that recommends a new classification for “second delivery day” Express Mail service.

51. Pursuant to 39 U.S.C. § 3662, I request that the Commission conduct a hearing and issue a public report documenting the changes described in this complaint that the Postal Service made to Express Mail service without first requesting an advisory opinion from the Commission.

Respectfully submitted,

Dated: February 18, 2005

DOUGLAS F. CARLSON

EXHIBIT 1


[Home](#)
[Express Mail Service Commitments](#)
[FAQs](#)

Express Mail Service Commitments

Search Results

Search Criteria

Origin ZIP Code™: 07631 (ENGLEWOOD, NJ)
 Destination ZIP Code: 95060 (SANTA CRUZ, CA)

Shipping Date: December 24, 2004

Service Commitment Information

All results are based on drop-off time. [?](#)

[Next day by 10 AM](#) - Post Office™ to Post Office only.

[2 Delivery Days](#) - Excludes Sundays and Holidays.

Service Commitment	Drop-off By	Facility Type	Address
2 Delivery Days	6:00 PM	POST OFFICE	55 SMITH ST ENGLEWOOD, NJ 07631
2 Delivery Days	5:15 PM	EXPRESS MAIL COLLECTION BOX	55 SMITH ST ENGLEWOOD, NJ 07631
2 Delivery Days	5:15 PM	EXPRESS MAIL COLLECTION BOX	650 E PALISADE AVE ENGLEWOOD, NJ 07631
2 Delivery Days	5:15 PM	EXPRESS MAIL COLLECTION BOX	77 ENGLE ST ENGLEWOOD, NJ 07631
2 Delivery Days	5:00 PM	POST OFFICE	77 ENGLE ST ENGLEWOOD, NJ 07631
2 Delivery Days	5:00 PM	EXPRESS MAIL COLLECTION BOX	101 W FOREST AVE ENGLEWOOD, NJ 07631
2 Delivery Days	5:00 PM	EXPRESS MAIL COLLECTION BOX	454 S DEAN ST ENGLEWOOD, NJ 07631
2 Delivery Days	5:00 PM	EXPRESS MAIL COLLECTION BOX	51 PALISADE AVE ENGLEWOOD, NJ 07631
2 Delivery Days	5:00 PM	EXPRESS MAIL COLLECTION BOX	560 SYLVAN AVE ENGLEWOOD, NJ 07631
2 Delivery Days	3:30 PM	EXPRESS MAIL COLLECTION BOX	554 GRAND AVE ENGLEWOOD, NJ 07631

First | Previous | Page 1, 2 | Next | Last Total (13 results)

[< New Search](#)

What You Should Know

- Express Mail® service commitments are based on [drop-off times](#).
- Express Mail may be paid by stamps.
- Print Express Mail labels online with [Click-N-Ship®](#).
- Learn more about Express Mail.



[Home](#)

[Express Mail Service Commitments](#) [FAQs](#)

Express Mail Service Commitments

Search Results

Search Criteria

Origin ZIP Code™: 95060 (SANTA CRUZ, CA)
 Destination ZIP Code: 95060 (SANTA CRUZ, CA)

Shipping Date: December 24, 2004

Service Commitment Information

All results are based on drop-off time. [?](#)

[Next day by 10 AM](#) - Post Office™ to Post Office only.

[2 Delivery Days](#) - Excludes Sundays and Holidays.

Service Commitment	Drop-off By	Facility Type	Address
2 Delivery Days	6:00 PM	EXPRESS MAIL COLLECTION BOX	850 FRONT ST SANTA CRUZ, CA 95060
2 Delivery Days	5:00 PM	POST OFFICE	850 FRONT ST SANTA CRUZ, CA 95060
2 Delivery Days	5:00 PM	AIR MAIL FACILITY	660 WESTFIELD SAN FRANCISCO, CA 94128

Page 1 Total (3 results)

[< New Search](#) [Expand Search Radius >](#)

What You Should Know

- Express Mail® service commitments are based on [drop-off times](#).
- Express Mail may be paid by stamps, [Postage Meter](#), [PC Postage®](#), or [Express Mail Corporate Account](#).
- Print Express Mail labels online with [Click-N-Ship®](#).
- Learn more about Express Mail.
- Calculate postage with [Domestic Rate Calculator](#).



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Express Mail Service Commitments

Search Results

Search Criteria

Origin ZIP Code™: 94704 (BERKELEY, CA)
 Destination ZIP Code: 94703 (BERKELEY, CA)

Shipping Date: December 24, 2004

Service Commitment Information

All results are based on drop-off time. 

Next day by 10 AM - Post Office™ to Post Office only.

2 Delivery Days - Excludes Sundays and Holidays.

Service Commitment	Drop-off By	Facility Type	Address
2 Delivery Days	5:00 PM	POST OFFICE	2515 1/2 DURANT AVE BERKELEY, CA 94704
2 Delivery Days	5:00 PM	POST OFFICE	2000 ALLSTON WAY BERKELEY, CA 94704
2 Delivery Days	5:00 PM	EXPRESS MAIL COLLECTION BOX	2515 1/2 DURANT AVE BERKELEY, CA 94704
2 Delivery Days	5:00 PM	EXPRESS MAIL COLLECTION BOX	2000 ALLSTON WAY BERKELEY, CA 94704
2 Delivery Days	5:00 PM	EXPRESS MAIL COLLECTION BOX	1995 UNIVERSITY AVE BERKELEY, CA 94704
2 Delivery Days	2:45 PM	POST OFFICE	2515 1/2 DURANT AVE BERKELEY, CA 94704
2 Delivery Days	2:45 PM	POST OFFICE	2000 ALLSTON WAY BERKELEY, CA 94704
2 Delivery Days	1:00 PM	EXPRESS MAIL COLLECTION BOX	2501 BANCROFT WAY BERKELEY, CA 94704

Page 1 Total (8 results)

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What You Should Know

- Express Mail® service commitments are based on drop-off times.
- Express Mail may be paid by stamps, Postage Meter, PC Postage®, or Express Mail Corporate Account.
- Print Express Mail labels online with Click-N-Ship®.
- Learn more about Express Mail.
- Calculate postage with Domestic Rate Calculator.

EXHIBIT 2

Holiday Special Tips

- Save time by purchasing packaging materials, including boxes and padding materials, at your local Post Office. Express Mail and Priority Mail boxes, envelopes, and tubes are available at no extra charge.
- Remove or completely obliterate all irrelevant package markings and labels before reusing a box for mailing. The Post Office will not accept parcels if markings indicate that the box contains hazardous material.
- Visit www.usps.com for postage calculations, Post Office locations, and ZIP Code lookup, plus stamps and unique gifts at the online Postal Store.
- Avoid waiting in line to purchase holiday stamps by using Stamps By Phone (800-STAMP-24), Stamps By Mail, Postal Service vending machines, new self-service kiosks (called "Automated Postal Centers"), or go online to the Postal Store at www.usps.com/shop.
- Express Mail service offers guaranteed delivery 365 days a year, including all weekends and holidays. The overnight delivery money-back guarantee typically applies to local area delivery and for delivery to major metropolitan areas where timely air transportation connections are available. Express Mail service to all other areas is offered with a 2-day guarantee. While the Postal Service will accept items for Express Mail delivery on Christmas Day, customers are asked to check with their local Post Office for details.
- For those shipping domestically who can't mail early, we offer Priority Mail service, which gets packages to their destinations on average in 2-3 days. It's a great buy starting at \$3.85 for up to 1 pound. For \$13.65 for up to 1/2 pound, we also have Express Mail service that gets mail to most destinations overnight.
- Want to know when your package was delivered? Delivery Confirmation service is available for Priority Mail and Parcel Post shipments. For a fee customers receive a tracking number and can retrieve delivery information through the Postal Service Web site or a toll-free telephone number.
- Shopping online? Don't forget to request the best-value shipping solution, Priority Mail service, from your online retailer for all of your holiday gifts.
- We offer five international service options based on speed and price. Delivery times are based on the number of business days specified for each service depending on origin and destination. For example, a package mailed from New York to Beijing will take longer than a package from New York to London.

International Mail Tips

1-3 Days: Global Express Guaranteed service. Customers who need day certain delivery with online tracking and a money back delivery guarantee* should take advantage of Global Express Guaranteed, the premium international shipping solution from the U.S. Postal Service and FedEx®. With service to over 190 countries, this reliable service is provided to most major markets in 1-3 days. Rates for documents start at \$24.00 for ½ pound and package rates start at \$36.00 for 1 pound. There's an automatic 5 percent discount on Global Express Guaranteed shipments when postage is paid through Click-N-Ship, the USPS online shipping service. Available at thousands of Post Office locations or by handing your package to your letter carrier.

*Some restrictions may apply. Please go to USPS.com/gxg or ask your USPS retail associate for more details.

3-5 Days: Global Express Mail service. For expedited service to over 190 countries, Global Express Mail service is the answer. Designed to be delivered in 3-5 days to most major markets, Global Express Mail offers on-line tracking to major destinations with prices starting at \$15.50 for ½ pound. Global Express Mail is available through Click-N-Ship, the USPS online shipping service.

4-6 days: Global Priority Mail service. For priority service at economical rates, Global Priority Mail service is available to 51 countries for items up to 4 pounds and is designed to be

delivered within 4-6 days to major destinations. Convenient flat rate envelopes are available with prices starting at \$4.00 for Canada and Mexico and \$5.00 for other destinations.

4-7 Days: Global Airmail Service. Global Airmail service for letters and packages is available worldwide. Letters are designed to be delivered in 4-7 days and packages in up to 10 days. Items travel by air and special services may be purchased. Each item must be marked "Airmail/Par Avion". Prices start at \$.60 for a 1 ounce letter and \$13.00 for a 1 pound package.

4-6 weeks: Global Economy service. For the most economical prices when speed is not required, Global Economy service provides worldwide delivery service. Shipments are transported by ship to most destinations and by truck to Canada and Mexico. Prices start at \$2.70 for letters and \$15.25 for packages.

Customers are also reminded that complete and legible customs declarations along with required import documentation must be provided to specifically identify the contents of any package. A detailed description of each article is required on the customs form. General descriptions such as "gifts", "food", "clothing" or "medicine" are not acceptable. Information regarding the customs documentation required and the actual customs forms is available on line through usps.com/global/customsforms and at Post Offices.

EXHIBIT 3

Shipping & Mailing

HOLIDAY GUIDE

Inside, find everything you need to ship and mail with ease this holiday season.



Earl Keeton
Portland Post Office, Oregon

 **UNITED STATES
POSTAL SERVICE**

usps.com

Make sure your gifts arrive on time — choose the right delivery service.

Whether you're sending a gift around the corner or around the world, the Postal Service™ offers a wide variety of shipping options, so your package can get to its destination on time. Use the chart below to find the right delivery service for your needs.

Delivery Service	Benefits	Allowable Weight	Ship by this date to arrive before Dec. 25th
Priority Mail® service Starting at \$3.85	<ul style="list-style-type: none"> • Dependable 2 to 3 day delivery* • Services every address in the United States — including any PO Box and military address • No extra cost for Saturday or residential deliveries • No hidden surcharges • Flat-rate envelopes are now available 	Up to 70 lbs.	December 21st (national) December 22nd (local)
Express Mail® service Starting at \$13.65	<ul style="list-style-type: none"> • Overnight delivery or your money back, guaranteed** • Fastest delivery option for time-sensitive letters, documents or merchandise • Services most locations 365 days a year • No extra charge for Sunday and holiday deliveries 	Up to 70 lbs.	December 23rd (national) December 24th (local)
Global Priority Mail® service Starting at \$4	<ul style="list-style-type: none"> • Economical priority shipping to 51 countries • Delivery within 4 to 6 days to major cities† • Envelopes and packaging available at no additional charge 	Up to 4 lbs.	December 15th December 16th (Canada)
Global Express Mail™ service Starting at \$15.50	<ul style="list-style-type: none"> • Expedited service to over 190 countries • Delivery within 3 to 5 days to major cities • Tracking available online 	Up to 70 lbs.	December 17th December 18th (Canada)
Global Express Guaranteed® service Starting at \$24	<ul style="list-style-type: none"> • Reliable 1 to 3 day service • Date-certain delivery to over 190 countries • Tracking available online • A carrier pickup can be requested online • Money back delivery guarantee †† 	Up to 70 lbs.	December 20th December 21st (Canada)

* Average delivery time 2 to 3 days.

** For packages up to 70 lbs. Postage fully refundable upon application if delivery is not made or attempted by time guaranteed at acceptance. Express Mail service overnight delivery to most major markets, including Saturday at no extra cost. Sunday and holiday delivery available to select ZIP Code locations at no extra cost. Some restrictions apply; call or visit your local Post Office for details.

† Designed to be delivered in number of business days specified, depending upon origin and destination.

†† See retail associates at participating locations or visit usps.com/gxg for complete money back guarantee details.

‡ Documents from \$24.00, packages from \$36.00.

DID YOU KNOW



You can breeze through your shipping and mailing by using the Automated Postal Center® found in select lobby locations!



Get answers to your shipping questions — go to

1-800-4USPS or visit usps.com

EXHIBIT 4

**FOR IMMEDIATE RELEASE**

Contact: Media Relations 202-268-2155
December 23, 2004
News Release No. 04-097
www.usps.com

POSTAL SERVICE DELIVERS LAST-MINUTE CHRISTMAS

WASHINGTON, D.C. - The U.S. Postal Service has last-minute help for Yule. Post Offices will be open on Friday, Dec. 24 and mail will be delivered, even though it is a federal holiday. On Christmas Day, December 25, Express Mail (the premium expedited service) will be delivered.

Customers can obtain Express Mail delivery for Dec. 25 when shipping Express Mail items on Friday, Dec. 24 from a Post Office within the overnight service area of the addressee. Any address within the same 3-digit ZIP Code area is within the guaranteed overnight service area, eg., "123XX" to "123YY." Other addresses within the overnight service area can be obtained from your local Postal retail unit, 1-800 ASK-USPS (1-800-275-8777), or www.usps.com.

The local Post Office has last-minute stocking stuffers, too. For those hard-to-shop-for relatives, why not consider a Postal money order? Available in any amount up to \$1,000, postal money orders cost just 90 cents up to \$500 and only \$1.25 from \$501 to \$1,000.

What about the college student on your list? Pick up the tab for their long-distance calls by purchasing a pre-paid USPS FIRSTCLASS PHONECARD.

And, of course, for the stamp collector on your list, www.usps.com has wonderful stamp choices to choose from, including some matted and framed pieces prominently featuring the more popular stamps for the perfect gift.

Traveling out-of-town, or looking for a convenient Post Office? The U.S. Postal Service has answers. Call 800-ASK-USPS (1-800-275-8777) for local Post Office service hours, rates, ZIP Codes and general holiday mail information. Or use the "Post Office Locator" feature on www.usps.com. The option lists post offices in close proximity to the address entered. Once the list appears, click on one of the options and a map appears with directions to that location. The feature includes alternate places to buy stamps, such as grocery stores and ATMs as well. This feature is located on the homepage of the Postal Service's web site at www.usps.com.

Celebrating the New Year, or January 6? There's still time for personalized high-quality holiday greeting cards - they're just a click away at the Postal Service's NetPost CardStore. With easy access on www.usps.com, NetPost CardStore lets customers personalize holiday greetings by designing greeting cards online.

A hybrid service (starting out electronically and becoming hard-copy mail), NetPost CardStore has an extensive library of images and photos that you can select when creating cards. Personal photos and images can be uploaded easily as well.

Customers can even enclose a gift card from a variety of popular retailers in their personalized card. While gift cards have become popular in recent years, and online greetings have been available for some time, this innovation pairs the two, bringing the power of the internet to the tradition and impact of sending gifts cards and keepsakes through the mail. Creativity is virtually unlimited when designing a card for First-Class delivery with a print from a digital image and a gift card from the recipient's favorite retailer. Gift cards are now available from Barnes & Noble, Bed Bath & Beyond, Big Bowl Asian Kitchen, Carrs, Chili's, Circuit City, Corner Bakery, Dominick's, Genuardi's, Little Italy, Lowe's, Macaroni Grill, Maggiano's, On the Border, Pak 'n Save Foods, Pavilions, Randalls, Safeway, Starbucks, Tom Thumb's, and Vons.

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[[Close Window](#)]

EXHIBIT 5

PO Box 7868
Santa Cruz CA 95061-7868
January 11, 2003

FOIA/Privacy Act Officer
United States Postal Service
475 L'Enfant Plz SW Rm 5821
Washington DC 20260-5243

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, I request a copy of all documents and other records created in 2002 or 2003, in electronic or hard-copy format, that were sent from Postal Service headquarters to field offices that announce or describe (1) changes in policies or procedures for delivery of Express Mail on weekends or holidays or (2) changes in policies or procedures guiding or instructing retail window clerks in guaranteeing the delivery of Express Mail on a particular day or at a particular time. This FOIA request specifically includes documents or other records created in 2002 or 2003, in electronic or hard-copy format, that were sent from Postal Service headquarters to field offices that relate to delivery of Express Mail on the second *delivery* day, as opposed to the second *calendar* day, or that instruct or authorize Postal Service employees to guarantee Express Mail for delivery more than two calendar days after mailing.

At this time, I am not willing to pay any fees for the provision of these records. According to FOIA, fees shall not be charged for the first 100 pages of duplication or the first two hours of search time. If fees will need to be charged, please notify me in advance.

I look forward to receiving the records that I have requested within 20 working days of the date on which you receive this request.

Please contact me if you need to clarify any part of my request.

Thank you for your time.

Sincerely,



Douglas F. Carlson

January 31, 2003

Mr. Douglas F. Carlson
PO Box 7868
Santa Cruz, CA 95061-7868

Dear Mr. Carlson:

Your January 11, 2002 Freedom of Information Act (FOIA) request, addressed to the FOIA/Privacy Act Officer, was forwarded to this office for reply.

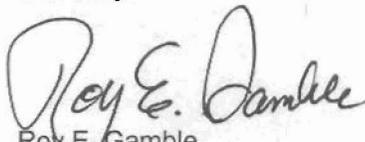
There have been no "changes in policies or procedures for delivery of Express Mail on weekends or holidays" or "changes in policies or procedures guiding or instructing retail window clerks in guaranteeing the delivery of Express Mail on a particular day or at a particular time" communicated to field offices, as identified in your FOIA request.

A revision to language appeared in the recent internal Christmas/New Year's Day "Holiday Policy" letter (December 25, 2002 and January 1, 2003) concerning Express Mail, but the revision did not actually represent any changes to policies or procedures. Delivery of Express Mail, the Next Day Service Express Mail network, and Second Day Service are described in Domestic Mail Manual sections D500, E500.5 and E500.6, and these standards remain unchanged. The revised language implemented in the Christmas/New Year's Day "Holiday Policy" letter was a reminder for acceptance employees to communicate information in the Next Day Service directory to Express Mail customers. Revised language also appeared in the Martin Luther King Day "Holiday Policy" letter (January 20, 2003).

In early January, several staff members noted that the revised language concerning Express Mail in the recent Christmas/New Year's Day and Martin Luther King Day "Holiday Policy" letters could potentially be confusing. We therefore changed back to Express Mail references used in earlier "Holiday Policy" letters, for the upcoming President's Day "Holiday Policy" letter (February 20, 2003).

As information, we have enclosed copies of the recent Christmas/New Year's Day "Holiday Policy" letter (with the revision), and President's Day "Holiday Policy" letter (where the revision was deleted).

Sincerely,



Roy E. Gamble
Manager, Delivery Support

cc: FOIA Office
Retail Operations
U.S. Postal Service General Counsel

December 4, 2002

MANAGERS, OPERATIONS SUPPORT (AREA)

SUBJECT: Operations Policy for the Christmas Holiday, December 25, 2002, and New Year's Day Holiday, January 1, 2003

This memorandum is a reminder of operating policy guidelines for holiday planning for the 2002 Christmas holiday and 2003 New Year's Day holiday. Holiday service levels for the following dates are displayed in Exhibit 125.22 of the *Postal Operations Manual*.

Sunday, December 22, 2002: Normal Sunday retail operations.

Tuesday, December 24, 2002 (Christmas Eve) and Tuesday, December 31, 2002 (New Year's Eve): All delivery units should take necessary actions prior to these dates to ensure that units are in a current status. Normal retail, delivery, and outgoing operations will be provided.

NOTE: For Express Mail acceptance, customers must be made aware that Express Mail will be delivered on Christmas Day and New Year's Day only in locations where it is normally delivered on Sunday. Delivery should be attempted on all Priority Mail parcels, perishable parcels, and other parcels that appear to contain gifts available on December 24. Staffing to be determined locally to meet customer and operational needs.

Wednesday, Christmas Day "Widely Observed," December 25, 2002, and Wednesday, New Year's Day "Widely Observed," January 1, 2003: No retail service will be available, except from those facilities normally open on these holidays. There will be no regular delivery, collection, or outgoing processing service provided on these dates. Express Mail will be delivered on these dates only in locations where Express Mail is normally delivered on Sunday, and on December 25 other parcels may be delivered as determined by local post offices. There will be no scheduled collections, other than to prevent boxes from overflowing, based on local management determinations. Each office must carefully evaluate the service needs of their communities and determine what level of service is warranted.

Drop ship mailers will require appointments on New Year's Day, January 1, 2003, at those post offices that will be open and able to accommodate these requests. In offices that are open on New Year's Day, staffing should be scheduled to provide service to mailers that have made drop ship appointments.

Thursday, December 26, 2002, and Thursday, January 2, 2003: Return to normal service levels.

All offices should carefully review their staffing plans for these holidays and make adjustments as necessary to meet the needs of their communities.

Because of heavy Christmas volumes and the Sunday preceding this holiday, the recommended last day for deposit of Priority Mail and Express Mail for delivery before the Christmas holiday is:

For Local Overnight Area:

Priority Mail: Monday, December 23

Within 500 miles, Express Mail: Monday, December 23

For Non-Local Areas:

Priority Mail: Saturday, December 21

Express Mail: Monday, December 23

(NOTE: Sunday and Holiday Network applies to 2-Day Service)

Shared Air Transportation Network

Special attention should be directed to scheduled day and night turn operations immediately preceding these holidays as noted below. Because the holidays fall on a Wednesday, day and night turn operations will operate on a normal schedule on the preceding weekends.

Tuesday, December 24, 2002, and Tuesday, December 31, 2002:

Day Turn Operations	yes
Night Turn Operations	yes**

**Tender First-Class and two-day Express Mail only, all overnight Express Mail should be tendered to commercial airlines.

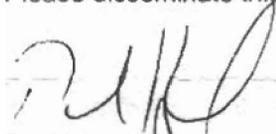
Wednesday, December 25, 2002, and Wednesday, January 1, 2003:

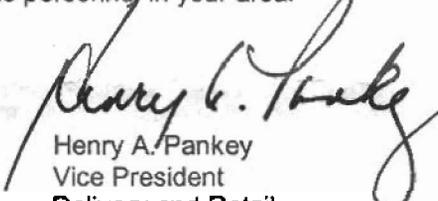
Day Turn Operations	no
Night Turn Operations	no

Thursday, December 26, 2002, and Thursday, January 2, 2003:

Day Turn Operations	yes
Night Turn Operations	yes

Please disseminate this information to the appropriate personnel in your area.


Paul Vogel
Vice President
Network Operations Management


Henry A. Pankey
Vice President
Delivery and Retail

cc: Mr. Donahoe
Mr. Rapp
Vice Presidents, Area Operations
Manager, Capital Metro Operations
Managers, Delivery Programs Support (Area)
Managers, In-Plant Support (Area)

January 29, 2003

MANAGERS, OPERATIONS SUPPORT (AREA)

SUBJECT: Operations Policy for the President's Day Holiday – February 17, 2003

This memorandum is a reminder of operating policy guidelines for holiday planning for the 2003 President's Day holiday weekend. Holiday service levels for the following dates are displayed in Exhibit 125.22 of the *Postal Operations Manual*.

Saturday, February 15, 2003: Normal Saturday service levels in processing, delivery, collection, and retail services will be provided. All delivery units should take necessary actions prior to this date to ensure that units are in a current status.

Sunday, February 16, 2003: Normal Sunday service levels as displayed in Exhibit 125.22 of the *Postal Operations Manual*.

President's Day, "Not Widely Observed," Monday, February 17, 2003: No retail service will be available, except from those facilities normally open on this holiday. There will be no regular delivery, collection or outgoing processing service provided. Express Mail will be delivered only in locations where Express Mail is normally delivered on Sunday. There will be no scheduled collections, other than to prevent boxes from overflowing, based on local management determinations. Each office must carefully evaluate the service needs of their communities and determine what level of service is warranted.

The extent of necessary outgoing processing must be determined at the local level based on their mail volume for the same period last year. Drop shipment appointments should be made available to major mailers, and both bulk mail centers and processing and distribution centers must be able to accommodate mailers that have made drop ship appointments.

Tuesday, February 18, 2003: Return to normal service levels.

All offices should carefully review their staffing plans for this holiday and make adjustments as necessary to meet the needs of their communities. Actions should be taken to manage the potential for delayed packages on Tuesday.

Shared Air Transportation Network

Special attention should be directed to scheduled day and night turn operations immediately preceding this holiday as noted on the following page.

Sunday, February 16, 2003

Day Turn Operations yes
Night Turn Operations no

Monday (holiday), February 17, 2003

Day Turn Operations no
Night Turn Operations yes

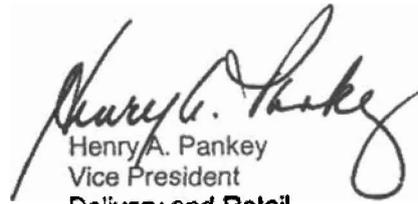
Tuesday, February 18, 2003

Day Turn Operations yes
Night Turn Operations yes

Please disseminate this information to the appropriate personnel in your area.



Paul Vogel
Vice President
Network Operations Management



Henry A. Pankey
Vice President
Delivery and Retail

cc: Mr. Donahoe
Mr. Rapp
Vice Presidents, Area Operations
Manager, Capital Metro Operations
Managers, Delivery Programs Support (Area)
Managers, In-Plant Support (Area)