

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

Classification Changes for Express  
Mail Second Day Service

Docket No. MC2006-4

DAVID B. POPKIN  
COMMENTS ON THE NOTICE OF INQUIRY AND THE PROPOSED DMCS CHANGE

Pursuant to Order No. 1462, I hereby submit my comments on the Notice of Inquiry and Proposed DMCS Changes.

Respectfully submitted,

MC20064A

May 3, 2006

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1. On February 18, 2005, Douglas F. Carlson filed a Complaint on Express Mail, Docket No. C2005-1. This Complaint alleged among other things that the Postal Service had significantly reduced the level of Express Mail service on weekends and established new service standards for Express Mail of 3-, 4-, and even 5-calendar days after mailing. Presently, the published service standards for Express Mail contemplate delivery either overnight to an established network or on the second calendar day after mailing for all other scenarios. Over the past number of years, it appears that the Postal Service has made an effort to "call it like it is" as far as the service guarantee for Express Mail<sup>1</sup>.

2. The Postal Service has an obligation to meet this standard. As noted on page 14 of the Commission's Order No. 1461, the Postal Service made a number of changes to its Express Mail service standards. There was a "double whammy" in the reduction of weekend service. The FedEx overnight delivery contract eliminated transportation

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<sup>1</sup> The Postal Service should not be able to GUARANTEE a specific delivery time when it is physically impossible to achieve that delivery time. For example, Hyder AK 99923 only receives incoming mail on Monday and Thursday. An Express Mail article mailed in New Jersey to Hyder on Monday will be GUARANTEED for delivery on Wednesday even though the earliest possible delivery date would be Thursday.

service on weekends and holidays. The Postal Service also eliminated Sunday and holiday delivery at all but 13,928 ZIP Codes nationwide out of the approximately 42,500 active ZIP Codes. Furthermore, Sunday and holiday delivery to post office boxes is made to less than one thousand ZIP Codes.<sup>2</sup>

3. The net effect of this "double whammy" has resulted in a 94.2 percent reduction in the number of ZIP Codes that will receive Sunday and holiday delivery when compared to a normal weekday. It will also result in a 92.2 percent reduction in the number of addresses.<sup>3</sup> This is not a clarification of the DMCS but is a significant reduction in service.

4. The reduction in transportation and delivery has also increased the service guarantee from either 1- or 2-calendar days to as much a 5-calendar days. The Commission's Order does not account for the possibility of 5-calendar days.<sup>45</sup> In fact, when one considers the scenarios that would occur with remote offices and/or those offices that have mail deliveries on less than six days a week and/or seasonal variations there would be guarantees of even more than five days.

5. The wording "second delivery day" is misleading. If a mailer deposits an Express Mail article on a Saturday to a local area destination that does not provide Sunday or

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<sup>2</sup> In order to achieve delivery on a Sunday or holiday, there first must be transportation to get the article to the delivering office and then even if it does get there, the delivery office must be one that will deliver Express Mail on the non-delivery date.

<sup>3</sup> The Postal Service provided this information for a mean ZIP Code derived from a sample of 10 originating ZIP Codes which the Postal Service felt was geographically representative of the United States. See the revised response to Interrogatory DFC/USPS-76 in Docket No. R2005-1 filed on July 18, 2005.

<sup>4</sup> This will occur when an article is mailed on a Thursday before a Monday holiday after the established cut-off time to a destination that requires two-day transportation and does not provide Sunday or holiday delivery. The article would be delivered on Tuesday or the fifth calendar day after mailing.

<sup>5</sup> This fifth calendar day of delivery would actually be on the third delivery day [mailed on Thursday - Friday would be the first delivery date, Saturday would be the second delivery date, and Tuesday would be the third delivery date after mailing.

holiday service, it will be delivered on Monday [or Tuesday if Monday is a holiday]. This will be the next or first delivery day even though it would be 2- or 3-calendar days.<sup>6</sup>

6. The Commission appears to be claiming that this proposed change is a clarifying one. The Commission has overlooked its obligation to evaluate whether this significant reduction in Express Mail service is in the public interest and whether the value of Express Mail service to the mailer warrants the same price for overnight and 2-calendar day service vs. the possible 3-, 4-, or 5-day service that is now occurring. I would assume that the FedEx transportation system would be available 365 days a year for a price and it is the Commission's responsibility to conduct the appropriate hearing to determine whether the public interest calls for the added expense to maintain the originally mandated service.

7. The Commission should hold discovery and appropriate hearings and briefing to determine what the public requires for expedited Express Mail and the appropriate rates for the value of service that is received. Furthermore, the Commission's Report should discuss the methods that the Postal Service should utilize to inform the mailing public of the level of service for Express Mail.

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#### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with Rule 12.

May 3, 2006

David B. Popkin

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<sup>6</sup> Furthermore, the term "second delivery day" has nothing to do with the "second day" It only would apply if delivery is made on the 3rd, 4th, or 5th calendar day after mailing.