

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268B0001

POSTAL RATE AND FEE CHANGES, 2006

Docket No. R2006-1

OBJECTIONS OF THE UNITED STATES POSTAL SERVICE TO
INTERROGATORIES OF DAVID B. POPKIN (DBP/USPS-241-252)
(July 20, 2006)

The United States Postal Service hereby objects to the following interrogatories of David Popkin, filed on July 10, 2006: DBP/USPS-241-252. Many of these questions stem directly from a *Federal Register* notice published on July 7, 2006 regarding interim changes to the administration of temporary forwarding service (copy attached). That notice indicates an effective date of August 3, 2006 for two interim changes: 1) the maximum period for a temporary forwarding order decreases from one year to six months (although a second temporary change of address order can still be submitted for a total duration of one year), and 2) the minimum period for a temporary forwarding order increases to 14 days. The reasons for these changes are spelled out in the notice, together with a request that interested parties submit comments. Most of the interrogatories subject to this objection comment upon or inquire into details of the interim changes (with many answers in the notice itself); as such, Mr. Popkin remains free to submit his comments as requested by the notice. Indeed, the Postal Service would welcome his comments, as it has when Mr. Popkin has submitted comments in the past. However, the interim changes bear no relevance to the pending classification, rate and fee proposals in this docket. Additional bases for objection are further specified in the discussion of questions below.

DBP/USPS-241 states:

DBP/USPS-241 Please advise the minimum and maximum effective times for the following:

- [a] Temporary Change of Address Orders filed on or before August 2, 2006.
- [b] Temporary Change of Address Orders filed on or after August 3, 2006.
- [c] Hold Requests.

By pointing directly to the day before and after implementation of the interim changes to the time limits for temporary forwarding service, this question clearly derives from the *Federal Register* notice. Such changes have no impact on the volumes, costs, revenues, or classifications that are the subject of the instant docket. As such the question and its parts are irrelevant and

immaterial. For that matter, the answers are already a matter of public record, judicially noticeable by this Commission, and accordingly cumulative in this proceeding.

DBP/USPS-242 states:

DBP/USPS-242

[a] Please define the action taken by the Postal Service with respect to each category or type of mail received while a temporary or permanent Change of Address Order is in effect.

[b] Please describe the procedures that are followed from the time the mail arrives at the delivery office until the time that it is forwarded on to the new address.

[c] Please advise the normal timeframe for the procedures described in response to subpart b to take place.

[d] What are the service standards for the procedures described in response to subpart b to take place?

[e] Once the mail is forwarded to the new address, please confirm, or explain if you are unable to confirm, that the Service Standards for that mail are the same as those for the same class of mail between the same points.

[f] Please discuss any automated systems that are in place to automatically intercept mail that requires forwarding and/or endorses it with the new address and/or forwards it on to the new address.

[g] Please advise the extent to which any systems noted in response to subpart f above have been implemented and the status and timeframe of any further implementation.

This question, which evidently occurred to Mr. Popkin as he considered the *Federal Register* notice in light shed by several recent dockets, touches on a variety of areas; moreover, the fact that it may have occurred to Mr. Popkin upon reading the notice does not in itself establish either the relevance or irrelevance of the interrogatory to this proceeding. However, the question fails to be relevant to any of the rate, fee, classification, cost, volume or revenue issues raised by an omnibus proposal. Further, it is overbroad and redundant by failing even to consider the wealth of information already available. Should Mr. Popkin articulate a sufficient nexus of this interrogatory to issues raised by Docket No. R2006-1, the Postal Service will reconsider its position.

Interrogatory DBP/USPS-243 states as follows:

DBP/USPS-243.

[a] Please enumerate any time period by which a Hold Request; a Temporary Change of Address Order filed on or before August 2, 2006; a Temporary Change of Address Order filed on or after August 3, 2006; or a Permanent Change of Address Order must be filed prior to the effective date.

[b] Please advise the time needed to process each of the requests.

[c] Please advise what happens to mail that is received prior to the time that the request has been processed.

Given the citations to the day before and day of the interim changes to temporary forwarding, this interrogatory also evidently arises directly from Mr. Popkin's consideration of the *Federal Register* notice. While this interrogatory is not relevant to issues in the current docket; it does address issues discussed in the notice. Should Mr. Popkin truly be concerned, he should raise these issues in his comments on the interim rules. Should Mr. Popkin articulate a sufficient nexus of this interrogatory to issues raised by Docket No. R2006-1, the Postal Service will reconsider its position.

Interrogatory DBP/USPS-244 provides:

DBP/USPS-244.

- [a] Once a customer has filed a Hold Request; a Temporary Change of Address Order filed on or before August 2, 2006; or a Temporary Change of Address Order filed on or after August 3, 2006; may they change either the effective date and/or the termination date?
- [b] If not, why not?
- [c] If so, please describe the methods by which it may be accomplished and which of the methods, if any, would require the payment of the \$1.00 credit card fee.
- [d] If a credit card fee is not required for a method enumerated in response to subpart c, please explain why not.
- [e] If a credit card fee is required for a method enumerated in response to subpart c, please confirm, or explain if you are unable to confirm, that it is for the same reason[s] as the original request required the fee.

Given the citations to the day before and day of the interim changes to temporary forwarding, this interrogatory also evidently arises directly from Mr. Popkin's consideration of the *Federal Register* notice. While this interrogatory is not relevant to issues in the current docket; it does address issues discussed in the notice. Should Mr. Popkin truly be concerned, he should raise these issues in his comments on the interim rules. Should Mr. Popkin articulate a sufficient nexus of this interrogatory to issues raised by Docket No. R2006-1, the Postal Service will reconsider its position.

Interrogatory expressly references the *Federal Register* notice:

DBP/USPS-245. With respect to the Interim Rule and Request for Comments that appeared in the July 7, 2006 Federal Register with respect to the Temporary Mail Forwarding Policy, please advise

- [a] Why the Rule is being implemented 4 days prior to the close of public comments rather than waiting for the comment period to conclude.
- [b] For how long a time period has it been possible for a customer to have filed a Temporary Change of Address Order for a time period of less than 14 days? If that period has been 10 years or more, you may just state so.
- [c] If the response to subpart b is 10 years or more, why is it so important to implement the change so fast?
- [d] Please provide the reasons for changing the minimum effective time for a Temporary Change of Address Order from 1 day to 14 days.
- [e] Please provide the reasons for changing the maximum effective time for a Temporary Change of Address Order from 1 year to 6 months.

- [f] If one of the reasons for implementing the change for the maximum time to 6 months is to allow for a 6 month period for those temporary requests that do not show a termination date, why doesn't the rule change only apply to that and not to Temporary Change of Address Orders for which a termination date of between 6 and 12 months is provided?
- [g] Please specifically describe how this change will reduce the amount of mail that may be delivered at a temporary address after the customer has returned to his or her permanent address.

These questions bear directly on the *Federal Register* notice, but are not relevant to this proceeding. Why Mr. Popkin might want to ask questions answered directly in the notice is up to him. But does not make such questions relevant to the instant docket.

Interrogatory DBP/USPS-246 states:

- DBP/USPS-246 If mail is being held in response to a Hold Request,
- [a] Please explain what happens if it is not claimed by the end of the hold period.
 - [b] May a customer file a Change of Address Order to forward the mail that is presently being held?

It appears that Mr. Popkin's questions here arise from the content of the notice itself. However, that does not make the questions relevant to the current docket. Should Mr. Popkin articulate a sufficient nexus of this interrogatory to issues raised by Docket No. R2006-1, the Postal Service will reconsider its position.

Interrogatory DBP/USPS-247 states:

- DBP/USPS-247 Please describe any method by which a customer who has mail which is already in his or her post office box or which is being held in General Delivery retrieve that mail remotely by either filing a written request and/or transferring it to held mail and/or filing a Change of Address Order and/or establish Premium Forwarding Service and/or any other means.

While this question was evidently triggered by Mr. Popkin's reading of the notice, it also harkens back to matters raised in the Commission's consideration of Premium Forwarding Service (PFS), Docket No. MC2005-1. In that docket, Mr. Popkin expressed his concern (one shared by the Postal Service and others) that PFS, as proposed (and implemented), limited what a customer could do from a remote location. Were Mr. Popkin to represent that he was planning on filing testimony on this topic in Docket No. R2006-1, this question might become relevant. But as things now stand, it is not relevant to issues in this docket.

Interrogatory DBP/USPS-248 states:

- DBP/USPS-248.
- [a] Are there any restrictions as to the resulting time periods to which the effective and/or termination dates can be changed to?
 - [b] If so, please enumerate.
 - [c] What happens if after August 3, 2006, a customer files a Temporary Change of Address Order for a one month period from September 1 to September 30, 2006 and on September 5 files a request to terminate that Order effective September

- 6, 2006?
- [d] After August 3, 2006, a customer files a Temporary Change of Address Order for a six month period. How soon after it is filed may the customer file for another six month extension?
 - [e] Is a customer permitted to file a Temporary Change of Address Order effective on August 1, 2006 and terminating on Saturday, July 28, 2007?
 - [f] If not, why not?
 - [g] What happens if the customer described in subpart e above files another Temporary Change of Address effective on Monday, July 30, 2007, and terminating on July 7, 2008?
 - [h] Would your response to subpart g above be different if the address to which the customer is forwarding the mail to is different?
 - [i] Please explain and provide the regulatory authority for the responses to subparts g and h above.

The Postal Service's first ground for objecting to this question is vagueness: the terms "restrictions," "time periods," "effective dates," and others are not defined in the question. But given the citation to the dates involved with the interim changes to temporary forwarding procedures, this question does appear to relate to the *Federal Bulletin* notice but not this docket. As such, it is irrelevant. Should Mr. Popkin establish a relevant link to issues in this docket, the Postal Service will reconsider its position.

Interrogatory DBP/USPS-249 states:

DBP/USPS-249. Please advise the time frames that are observed when a customer files a Permanent Change of Address?

The Postal Service objects to this on the grounds of vagueness and relevance.

Interrogatory DBP/USPS-250 states:

DBP/USPS-250 A customer files a Permanent Change of Address Order effective on September 1, 2006 for a move from Address A to Address B.

- [a] What happens if on November 1, 2006, the customer moves from Address B to Address C. Is he or she able to file a Change of Address Order to cover this move?
- [b] If not, why not?
- [c] If he or she able to modify and/or cancel and reinstate the order existing at Address A so that the mail addressed to Address A can be forwarded directly to Address C rather than doing it in two separate steps - A to B and then B to C?
- [d] If not why not?
- [e] What happens if on November 1, 2006, the customer moves back to Address A with respect to their ability to receive mail at that address?

The Postal Service objects to this question on the grounds of relevance.

Interrogatory DBP/USPS-251 states:

DBP/USPS-251 Assume that a customer "snowbirds" between New Jersey and Florida spending the summers in New Jersey and the winters in Florida and files a Temporary Change of Address with each move to cover each of the residence periods. Suppose that on one of these moves between Florida and New Jersey, the customer inadvertently checks the Permanent box rather than the Temporary box on the Change of Address Order.

- [a] Will this interfere with their ability in the future to receive mail at the address at which they are residing as well as having mail addressed to the other address

- forwarded to their current residence address?
- [b] If so, please explain what will happen and the regulatory authority for that action.
 - [c] If so, how does the customer fix the problem?
 - [d] If data is "in the system" which would preclude filing new Temporary Change of Address Orders, how long will it remain "in the system"?

The Postal Service objects to this interrogatory on the grounds of relevance and materiality, because the question calls for speculation. Were the Postal Service required to respond to every inquiry about how it may work with a customer to undo the effects of that customer's prior error, there would be no end to discovery; further, better responses than those identified by speculation at this time might well be available to an employee who actually faces a complex situation involving any particular customer error sometime in the future.

Interrogatory DBP/USPS-252 states:

DBP/USPS-252. Assume that a customer receives mail addressed to them at General Delivery at a specific post office.

- [a] Suppose that the post office chosen has more than one facility [station or branch]. May the mail be addressed to and called for at any specific station or branch?
- [b] If not, why not and how will the customer be aware of the specific station or branch that provides the service?
- [c] Is the post office required to hold all mail received for a specific customer for a maximum of 30 days before returning it to the sender?
- [d] If not, please explain the restriction.
- [e] Please confirm, or explain and provide regulatory authority if you are unable to confirm, that a customer may continue to utilize General Delivery for an indefinite period of time so long as all mailpieces are claimed within a 30-day period.
- [f] Is there any change in the requirements in permissible use of General Delivery service and or the time by which mail must be claimed if the customer if "forced" to utilize General Delivery because of the unavailability of Post Office Box service?
- [g] If so, please explain.

The Postal Service objects to this question on the grounds of relevance.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

Kenneth N. Hollies
Attorney

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-3083; Fax -3084
(July 20, 2006)

Dated: June 21, 2006.

D.T. Glenn,

*Captain, U.S. Coast Guard, Commander,
Seventeenth Coast Guard District, Acting.*

[FR Doc. E6-10649 Filed 7-6-06; 8:45 am]

BILLING CODE 4910-15-P

POSTAL SERVICE

39 CFR Part 111

Temporary Mail Forwarding Policy

AGENCY: Postal Service.

ACTION: Interim rule and request for comments.

SUMMARY: This document amends the standards in the Domestic Mail Manual concerning the duration and submission of temporary change-of-address orders.

DATES: Effective August 3, 2006. Comments must be received by August 7, 2006.

ADDRESSES: Written comments should be mailed or delivered to the Office of Product Management—Addressing, National Customer Support Center, United States Postal Service, 6060 Primack Pkwy, Ste. 201, Memphis, TN 38188-0001. Comments may be transmitted via facsimile to 901-821-6206 or via e-mail to charles.hunt@usps.gov. Copies of all written comments will be available for inspection and photocopying at USPS Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington, DC 20260-1450 between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charles B. Hunt, Product Management, (901) 681-4651, James Wilson, Address Management, (901) 681-4676.

SUPPLEMENTARY INFORMATION: The Postal Service offers temporary and permanent change of address services to its customers, and forwards mail for generous time periods free of charge, in order to deliver mail accurately and efficiently to its intended recipient. A temporary change-of-address indicates the customer's intention to return to the original address and resume the receipt of mail at that location. Temporary mail forwarding may not exceed twelve months duration.

To better serve its customers, the Postal Service is implementing new procedures in the provision of temporary forwarding of mail. These new procedures are intended to improve mail deliverability to our customers, ensure that mail is delivered to the addressee as quickly as possible, and reduce the volume of mail forwarded unnecessarily.

As background, temporary change-of-address filings typically comprise 7-8 percent of the approximate 46 million change-of-address orders received by the Postal Service each year. Forwarding of mail based on temporary change of address orders is estimated to account for 11 percent of all forwarded mail volume. Approximately 62 percent of all temporary filings have a length of six months or less. The Postal Service received more than 509,000 temporary change-of-address orders in 2005 that did not specify when the forwarding period should end; under current policy, the Postal Service treats these as orders to forward mail for a twelve month period after the start date. The Postal Service also received more than 90,000 temporary changes of address orders where the duration was for a period of 14 days or less. This includes more than 14,000 that had a total duration to forward mail of only 1 day.

The Postal Service is adopting two changes to the Domestic Mail Manual concerning temporary mail forwarding policies. The changes, and the reasons underlying each, are explained below. The changes will be effective August 3, 2006.

Minimum duration will change from one day to two weeks.

Currently, the Postal Service has no minimum timeframe for providing temporary forwarding services. However, the time needed to process temporary change of address orders and begin delivery of forwarded pieces to a temporary address may approach 14 days. Accordingly, short-term forwarding orders may result in mail that is en route to the customer's temporary new address not arriving prior to the customer's departure from that temporary address. This requires the Postal Service to return the mail to the customer's permanent address and delays the time the customer receives the mail. Therefore, the Postal Service will institute a new minimum duration for temporary filings of at least two weeks in length. This will help ensure the efficient forwarding of mail, allow customers to receive mail as quickly as possible, and reduce Postal Service costs. The Postal Service recommends that customers who will be temporarily away from their residences less than two weeks submit a request to hold their mail. Hold requests can be submitted in person or by mail to their post office, electronically through www.usps.com or by telephone through 1-800-ASK-USPS. Customers can ask that held mail be delivered upon their return or request to pick up the mail at their post office.

Maximum duration for an initial temporary order will change from twelve months to six months.

The Postal Service seeks to avoid the unnecessary or improper forwarding of mail. As previously stated, the majority of temporary filings last no more than six months. Therefore, the current policy that assigns a 12 month duration on temporary change of address orders that do not reflect an end date probably overstates the term desired by many customers. This would result in the unnecessary forwarding of mail and delay the receipt of correspondence by those customers. Accordingly, the Postal Service is changing its standards to limit an initial temporary change of address order to a maximum of 6 months, or, if no time period is specified, will use 6 months as the end date. Customers who wish to have their mail forwarded for a longer period may submit an additional order to extend the forwarding period up to the maximum allowable twelve month period. Prior to the expiration of the first six month period, the Postal Service will advise customers that they may renew the temporary change-of-address for an additional time period up to the maximum temporary forwarding period of twelve months. To assist customers to request additional temporary forwarding service, the Postal Service will send a letter to the customers at their temporary new address to remind them of the expiration date. Where a customer has already received temporary forwarding service for a continuous twelve month period for any same old and new address combination, the Postal Service will not accept additional temporary change-of-address orders for that customer for those same old and new address combinations.

By instituting these procedures, the Postal Service seeks to improve service and efficiency for its customers. As described above, the changes will immediately benefit customers by ensuring they receive mail in a timely manner; e.g. by reducing the amount of mail that may be delivered at a temporary address after the customer has returned to his or her permanent address. Accordingly, the Postal Service believes it is in the public interest to adopt this rule, without prior public comment, on August 3, 2006. Nevertheless, the Postal Service is inviting public comments on the rule. These comments should be submitted within 30 days from the date of this notice to the address set forth above. At the end of this period, the Postal Service will evaluate any comments it receives and consider whether the rule should be revised.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding rulemaking by 39 U.S.C. 410(a), the Postal Service is seeking comments to this interim rule. The Postal Service is adopting the following interim revisions of the Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure.

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

■ 2. Revise the following section of the Domestic Mail Manual to read as set forth below:

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507 Mailer Services

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2.0 Forwarding

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507.2.1.3 Temporary Forwarding

A customer temporarily moving away may have mail forwarded for a specific time, not to exceed twelve months total duration. The Postal Service shall provide temporary forwarding services in periods from two weeks to six months in duration based upon

customer request. Customers can request temporary forwarding in excess of six months up to a maximum of twelve months by submitting a second temporary change-of-address order that will commence on the first day of the second six month period and expire on the last day of the second six month period. The customer must show beginning and ending dates in the change-of-address order.

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An appropriate amendment to 39 CFR 111.3 will be published to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. E6–10606 Filed 7–6–06; 8:45 am]

BILLING CODE 7710–12–P