

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

Complaint on Bound Printed Matter

Docket No. C2008-2

**DOUGLAS F. CARLSON
COMPLAINT ON BOUND PRINTED MATTER**

January 3, 2008

NAME AND ADDRESS OF COMPLAINANT

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

STATEMENT OF GROUNDS FOR COMPLAINT

2. Interested persons who believe that the Postal Service is not operating in conformance with the requirements of the provisions of 39 U.S.C. § 403(c) or Chapter 36 of Title 39 may lodge a complaint with the Commission. 39 U.S.C. § 3662.

3. I use single-piece Bound Printed Matter service.

4. On May 14, 2007, the Postal Service ceased to offer single-piece Bound Printed Matter service at retail windows.

5. When a customer presents an item for mailing at a retail window and the window clerk knows or should know that the item would qualify for a Bound Printed Matter rate, Postal Service policy prohibits the window clerk from offering or suggesting Bound Printed Matter service to the customer, even if Bound Printed Matter service might or would fulfill the customer's shipping needs at the lowest price of any service. See Appendix 1 at 5.

6. When a customer presents items for mailing at a retail window and asks for the least-expensive shipping method and the window clerk knows or should know that the item would qualify for a Bound Printed Matter rate, Postal Service policy prohibits the window clerk from offering or suggesting Bound Printed Matter service to the customer, even if Bound Printed Matter service might or would fulfill the customer's shipping needs at the lowest price of any service. *See Id.*

7. In a recent fiscal year prior to May 14, 2007, the Postal Service accepted approximately 1,052,000 pieces of single-piece Bound Printed Matter for which customers paid the postage using postage stamps. Postage for another 3,599,000 pieces of single-piece Bound Printed Matter was paid using a postage validation imprinter (PVI) label from a Postal Service retail window. Docket No. R2006-1, DFC/USPS-56.

8. Individual and some small-business mailers typically pay postage using postage stamps and PVI labels. Therefore, individual and small-business mailers sent over 4.6 million pieces of single-piece Bound Printed Matter.

9. Prior to May 14, 2007, the Postage Rate Calculator at www.usps.gov provided rates for Bound Printed Matter. Since May 14, 2007, the Postage Rate Calculator has not provided rates for Bound Printed Matter or mentioned the existence or availability of this service.

10. Automated Postal Center kiosks in post offices do not offer Bound Printed Matter or Media Mail or advise customers that these less-expensive alternatives may exist to the services that the APC's do offer, such as Express Mail, Priority Mail, First-Class Mail, and Parcel Post.

11. Bound Printed Matter rates may provide the least-expensive shipping method for matter that customers seek to mail.

12. Although the decision of the Postal Service Governors in Docket No. R2006-1 asserted on page 19 that Postal Service window clerks "will continue to

provide customers with information regarding Bound Printed Matter,” postal clerks do not provide accurate information to customers seeking to mail items that qualify as Bound Printed Matter. See, e.g., Appendix 1 at 1–4.

13. Postal Service policy issued since the Governors’ decision confirms that Postal Service window clerks may provide information about Bound Printed Matter only when customers specifically inquire about or request the service. See Appendix 1 at 5 and 8.

14. The Postal Service’s decision not to offer Bound Printed Matter at retail windows unduly and unreasonably discriminates against individual and small-business mailers, in a manner not specifically authorized by title 39. Compared to large mailers, individual and small-business mailers are less likely to know about services that window clerks do not offer, that Automated Postal Centers do not offer, and that the Postage Rate Calculator at www.usps.gov does not mention.

15. The Postal Service normally does not issue postage stamps in denominations that match Bound Printed Matter rates. Most postal customers typically do not keep a supply of stamps in a sufficient variety of denominations to match any Bound Printed Matter rate. Individual and small-business customers, including some nonprofit organizations, are the least likely customers to have postage meters or other means of paying postage conveniently without using postage stamps.

16. Although the Postal Service claimed in a letter to me dated June 8, 2007, that it will sell postage (stamps or PVI labels) to customers who approach the retail window and specifically request Bound Printed Matter service, Appendix 1 at 5, Postal Service retail terminals describe the service, on the customer screen and receipts, as a service for which customers must pre-affix postage. Therefore, some window clerks may not sell postage at the window.

17. Notice 123, *Ratefold*, effective July 15, 2007, declares on page 15 that “Nonpresorted Bound Printed Matter is not available in postal retail outlets. It is

only available to mailers who can affix the correct postage using stamps, postage meter, or PC Postage.”

18. Section 100 of the *Domestic Mail Manual* omits Bound Printed Matter from the list of “Retail Mail” services.

19. In not offering Bound Printed Matter service at retail windows, the Postal Service intends to discriminate against individual and small-business mailers.

20. The Domestic Mail Classification Schedule does not permit the Postal Service to restrict access to Bound Printed Matter service only to certain groups or classes of customers.

21. Postal customers are entitled to be informed about and use services listed in the Domestic Mail Classification Schedule without discrimination. The Postal Service cannot issue a regulation, or a management decree, that has the effect of denying customers access to an approved service. The Postal Service’s decision not to offer Bound Printed Matter service at the retail window, to remove Bound Printed Matter service from the Postage Rate Calculator at www.usps.gov, and not to inform Automated Postal Center customers about the existence of Bound Printed Matter service effectively denies access to the service to many customers. By effectively denying customers access to Bound Printed Matter service, the Postal Service is violating 39 U.S.C. § 403(c).

22. The Commission determined that the Postal Service’s plan not to offer Bound Printed Matter service to retail customers unduly discriminates against individual customers. PRC Op. R2006-1 at 391.

23. The Commission rejected the Postal Service’s proposal in Docket No. R2006-1 to change the name of DMCS section 522.21 from Single-Piece Bound Printed Matter to Nonpresort Bound Printed Matter. Nonetheless, the Postal Service ignored the Commission’s recommendation and proceeded to describe Single-Piece Bound Printed Matter service as Nonpresorted Bound Printed

Matter service in publications, including Notice 123, *Ratefold*, effective July 15, 2007, at page 15.

24. My correspondence with the Postal Service concerning the subject matter of this complaint appears in Appendix 1. The Postal Service has not provided any records in response to the Freedom of Information Act requests that appear in Appendix 1.

CLASS OF PERSONS AFFECTED

25. The Postal Service's decision not to offer Bound Printed Matter at retail windows affects all postal customers nationwide who send mail matter that would qualify for Bound Printed Matter rates.

STATEMENT OF RELIEF REQUESTED

26. Pursuant to 39 U.S.C. § 3662, I request that the Commission order the Postal Service to offer Bound Printed Matter service to customers at retail windows.

Respectfully submitted,

Dated: January 3, 2008

DOUGLAS F. CARLSON

APPENDIX 1

PO Box 191711
San Francisco CA 94119-1711
May 26, 2007

Frederick J. Hintenach III
Manager, Customer Service Operations
United States Postal Service
475 L'Enfant Plz SW
Washington DC 20260

Dear Mr. Hintenach:

Today I visited the Chinatown Station and the Macy's Station in San Francisco with an open box containing a *Webster's Ninth New Collegiate Dictionary*. I have enclosed a picture of this box. The dictionary and box weighed 3 pounds and 15.2 ounces. I asked each window clerk for the options to send the parcel to ZIP Code 95060, specifically noting that speed was not important. Each clerk offered Media Mail, but neither clerk presented Bound Printed Matter as an option. This parcel would have qualified for single-piece Bound Printed Matter rates, which represent the cheapest mailing option for a parcel weighing 3 pounds and 15.2 ounces that is destined to zone 1.

When I asked the clerk at Chinatown Station for the rate for Bound Printed Matter, he asserted that the dictionary did not qualify as Bound Printed Matter. I informed him that the dictionary would, indeed, qualify as Bound Printed Matter. He pushed a few buttons on his POS ONE terminal, provided the rate for Bound Printed Matter, and informed me that he could accept the parcel only if I had postage "pre-affixed." He commented that he had received a memo concerning this change, then retrieved from his trash can a notice printed on a POS ONE receipt that apparently stated that the Postal Service no longer "offers" Bound Printed Matter at the retail window. Even though he was unfamiliar with the details of this policy change and seemed confused, he refused to allow me to read this notice.

When I asked the clerk at Macy's Station for the rate for Bound Printed Matter, she firmly asserted that the dictionary did not qualify as Bound Printed Matter. I protested, but she proceeded to provide examples of other types of mail that would qualify for this rate. When I explained that the dictionary would qualify as Bound Printed Matter under the definition in the *Domestic Mail Manual*, she warned that the "processing center" might disqualify the parcel as Bound Printed Matter if I insisted on sending it at that rate. She proceeded to inform me of the rate. When I asked whether she would issue "postage" for the parcel, she said yes. However, I note that, unlike the clerk at Chinatown Station, she did not appear to have selected the Bound Printed Matter option on her retail terminal or to have encountered a restriction for "pre-affixed" postage.

Frederick J. Hintenach III
May 26, 2007
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I would appreciate if you would answer two questions about my experience today. First, did these two window clerks correctly provide information to me about Bound Printed Matter consistent with the Decision of the Governors in Docket No. R2006-1? Second, which options did I have, while standing at the retail window, to obtain postage for my parcel? Should either window clerk have issued a PVI label?

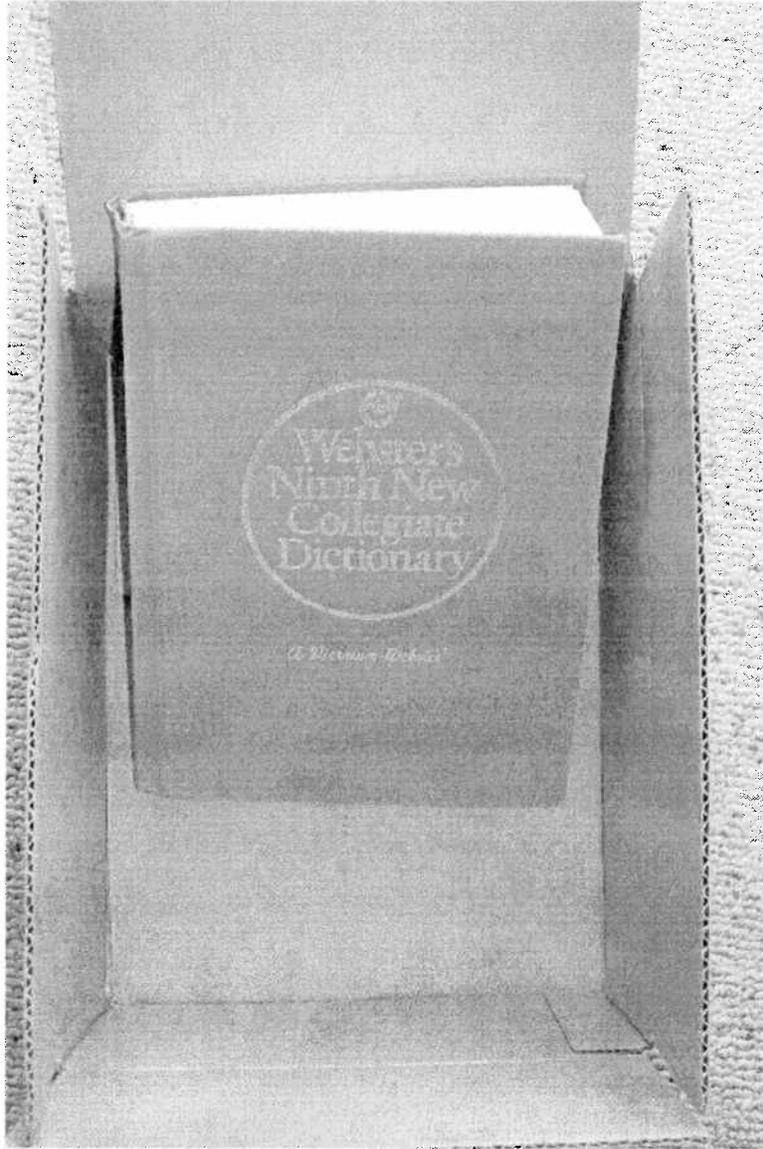
Thank you for assisting me in understanding the change in the availability of single-piece Bound Printed Matter service since May 14, 2007.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas F. Carlson". The signature is written in a cursive style with a long horizontal flourish at the end.

Douglas F. Carlson

Enclosure



PO Box 191711
San Francisco CA 94119-1711
June 4, 2007

Frederick J. Hintenach III
Manager, Customer Service Operations
United States Postal Service
475 L'Enfant Plz SW
Washington DC 20260

Dear Mr. Hintenach:

I am writing to follow up on my letter dated May 26, 2007, concerning Bound Printed Matter.

On June 2, 2007, I visited the University Station in Seattle, Washington, with the same open box containing a *Webster's Ninth New Collegiate Dictionary* that I described in my letter dated May 26, 2007. The dictionary and box weighed 3 pounds and 15.2 ounces. I asked the window clerk for the cheapest way to send the parcel to ZIP Code 98403. The clerk offered me Media Mail. Knowing that Bound Printed Matter was the cheapest option, I asked her whether Bound Printed Matter would be cheaper. She informed me that Bound Printed Matter was "not available" because the service had been "discontinued."

Did this window clerk correctly provide information to me about Bound Printed Matter consistent with the Decision of the Governors in Docket No. R2006-1?

Thank you again for assisting me in understanding the change in the availability of single-piece Bound Printed Matter service since May 14, 2007, for customers who approach the retail window with a parcel containing Bound Printed Matter to which the customer has not already affixed postage.

Sincerely,



Douglas F. Carlson



June 8, 2007

Mr. Douglas F. Carlson
Post Office Box 191711
San Francisco, CA 94119-1711

Dear Mr. Carlson:

This responds to your letter of May 26 and June 4, regarding procedures for retail acceptance of Bound Printed Matter. The following clarification was issued to the field on June 1:

- Single-piece Bound Printed Matter (BPM) is no longer offered at the retail counter.
- Nonpresorted BPM pieces may be accepted for mailing at the retail window, collection boxes and by letter carriers, as appropriate. In this case, the customer has to pre-apply postage using any of the current forms – adhesive stamps, meter strips, or PC Postage®. We will sell postage (stamps or PVI labels) for BPM only when customers specifically request this service.

This language was cleared by the Law Department and I am advised that it is consistent with the Decision of the Governors in Docket No. R2006-1.

If we find further messaging is needed, we will take appropriate action to communicate.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Hintenach", written over a horizontal line.

Frederick J. Hintenach
Manager

PO Box 191711
San Francisco CA 94119-1711
June 13, 2007

Frederick J. Hintenach III
Manager, Customer Service Operations
United States Postal Service
475 L'Enfant Plz SW Rm 5621
Washington DC 20260-5621

Dear Mr. Hintenach:

I am writing in response to your letter dated June 8, 2007. I appreciate your time to respond to my letters dated May 26, 2007, and June 4, 2007. I trust that you share my belief that the clarity of the Postal Service's policy toward acceptance of single-piece Bound Printed Matter mail is a matter of significant public concern.

Unfortunately, your letter does not respond to all my questions. Moreover, the "clarification" issued "to the field" on June 1 raises additional questions. According to the "clarification":

Nonpresorted BPM¹ pieces may be accepted for mailing at the retail window, collection boxes and by letter carriers, as appropriate. In this case, the customer has to pre-apply postage using any of the current forms — adhesive stamps, meter strips, or PC Postage®. We will sell postage (stamps or PVI labels) for BPM only when customers specifically request this service.

Although the reference in the second sentence to "this case" is not clear because the previous sentence appears to refer to three cases, the second sentence apparently asserts that, when a customer presents single-piece Bound Printed Matter at a retail window, the customer must already have pre-affixed the postage using adhesive stamps, meter strips, or PC Postage. The third sentence, however, states that the Postal Service will sell stamps or PVI labels for BPM "only when customers specifically request this service." The reference to "this service" is ambiguous. Is "this service" a PVI label or single-piece Bound Printed Matter? In either case, the third sentence appears to conflict with the second sentence because the third sentence clearly allows customers to purchase a PVI label for Bound Printed Matter, while the second sentence requires customers to affix postage using adhesive stamps, meter strips, or PC Postage — but not PVI labels. Therefore, the answer to the central question still is unclear: Must customers who bring single-piece Bound Printed Matter to the retail window have pre-affixed their postage, or may they request a PVI label to pay the postage?

¹ I presume that the "clarification" refers to the service known in section 522.21 of the Domestic Mail Classification Schedule as Single-Piece Nonpresort Rate Category Bound Printed Matter.

I look forward to receiving further clarification concerning retail acceptance of single-piece Bound Printed Matter mail.

Also, in my previous letters, I described three specific encounters with window clerks after I requested information on mailing a parcel that visibly contained a dictionary. I asked whether these window clerks correctly provided information to me about Bound Printed Matter consistent with the Decision of the Governors in Docket No. R2006-1. Your letter responds that the Postal Service "will take appropriate action to communicate" if "further messaging is needed." The "clarification" that the Postal Service issued on June 1 does not address the issues underlying my encounters. I infer, therefore, that the Postal Service concludes that the three window clerks correctly provided me with information about Bound Printed Matter consistent with the Decision of the Governors in Docket No. R2006-1.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas F. Carlson", with a horizontal line extending to the right.

Douglas F. Carlson



July 13, 2007

Mr. Douglas F. Carlson
Post Office Box 191711
San Francisco, CA 94119-1711

Dear Mr. Carlson:

This is in responds to your letter dated June 13, 2007, seeking further clarification of the following notice send to the field on June 1.

Nonpresorted Bound Printed Meter (BPM) pieces may be accepted for mailing at the retail window, collection boxes and by letter carriers, as appropriate. In this case, the customer has to pre-apply postage using any of the current forms – adhesive stamps, meter strips, or PC Postage®. We will sell postage (stamps or PVI labels) for BPM only when customers specifically request this service.

Your letter specifies two phrases that you found unclear. The first is "In this case" in the second sentence. That phrase refers to acceptance of nonpresorted BPM pieces, through any of the three listed channels in the first sentence. The second phrase is "this service" at the end of the third service. That phrase refers to nonpresorted BPM.

The first two sentences set out the general policy that nonpresorted BPM pieces have postage pre-applied, regardless of which of the three acceptance channels they use. The third sentence recognizes that instances may arise where customers who wish to send a nonpresorted BPM piece will not already have the appropriate postage and may come to a retail window seeking to buy the postage for that specific service, even though it is not routinely offered at the window. The third sentence also recognizes that it is generally simpler for the associate to produce a PVI strip and accept the parcel rather than to sell the customers stamps that the customer must affix and then tender the item for acceptance.

Your letter also refers to problems that you assert regarding retail associates' knowledge concerning eligibility for items to be mailed BPM. I am not sure what you mean about consistency with the Governors' Decision. It is my understanding that the type of dictionary you described was previously and remains eligible for mailing as BPM. We are reserving judgment as to whether further communication to the field is necessary unless there is some indication that the difficulty you describe is not simply an isolated incident regarding a fairly rare type of window transaction.

Sincerely,

A handwritten signature in black ink, appearing to read "FH", with a long horizontal flourish extending to the left.

Frederick Hintenach
Manager

PO Box 191711
San Francisco CA 94119-1711
May 26, 2007

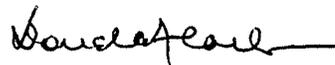
Manager, USPS.com
United States Postal Service
1735 N Lynn St Rm 4038
Arlington VA 22209-6440

Dear Sir or Madam:

Prior to the rate change on May 14, 2007, the "Calculate Postage" function at *www.usps.com* provided the rate for Bound Printed Matter to customers seeking to mail a package to a domestic address. I discovered today that the "Calculate Postage" function no longer provides rates for Bound Printed Matter. I am writing to request that you restore Bound Printed Matter rates.

Thank you.

Sincerely,



Douglas F. Carlson

PO Box 191711
San Francisco CA 94119-1711
May 16, 2007

Frederick J. Hintenach III
Manager, Customer Service Operations
United States Postal Service
475 L'Enfant Plz SW
Washington DC 20260

Re: Freedom of Information Act Request

Dear Mr. Hintenach:

Pursuant to the Freedom of Information Act (FOIA), please send me a copy of every record that contains information or communications that Postal Service headquarters distributed, directly or indirectly, to window clerks providing instructions, guidance, or other information concerning transactions relating to single-piece Bound Printed Matter mail that customers seek to mail at a retail window on or after May 14, 2007. This request specifically includes records containing communications sent to window clerks via the POS ONE messaging system.

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

June 24, 2007

Mr. Douglas F. Carlson
P. O. Box 191711
San Francisco, CA 94119-1711

Dear Mr. Carlson:

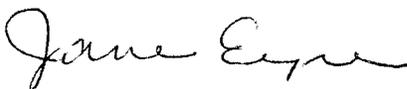
This concerns your Freedom of Information Act request dated May 16, 2007 for records that contain information or communications that Postal Service headquarters distributed to window clerks providing instructions, guidance, or other information concerning transactions relating to single-piece Bound Printed Matter mail that customers seek to mail at a retail window on or after May 14, 2007. (FOIA No. 2007-FPRO-00547).

The FOIA, 5 USC §552, allows agencies 20 working days (exclusive of Saturdays, Sundays and federal holidays) in which to process requests. In unusual circumstances, agencies may qualify for further extensions, and may request a modified FOIA request and/or time frame for response (5 USC §552(a)(6)(B)). Unusual circumstances are defined to include requests that involve voluminous and/or dispersed records, or requests that require consultation with other agencies having a substantial interest in requested records.

Your request qualifies for "unusual circumstances," and will require consultation among two or more components of the Postal Service having substantial subject matter interest in the types of records involved. Because your request involves consultation among two or more components of the Postal Service having substantial subject matter interest in the types of records involved, we are extending the response period to 20 working days from the date of this letter (title 39 CFR 265.7(b)(4)(iii)(B)).

You will be contacted before or immediately after this date.

Sincerely,



Jane Eyre
Manager, Records Office



September 21, 2007

Mr. Douglas F. Carlson
PO Box 191711
San Francisco, CA 94119-1711

Dear Mr. Carlson:

This is in further reference to your Freedom of Information Act requests of May 16, June 9, August 4, and August 21, logged in as case numbers: 2007-FPRO-00436, 2007-FPRO-00531, 2007-FPRO-00650, 2007-FPRO-00683. We apologize for the delay in respond to your requests.

Additional time is needed to process your request because your request requires consultation among two or more components of the Postal Service having substantial subject matter interest in the types of records involved, we are extending the response period to 30 working days from the date of this letter (title 39 CFR 265.7(b)(4)(iii)(B)).

You will be contacted before or immediately after this date.

Sincerely,

A handwritten signature in cursive script that reads "Jane Eyre".

Jane Eyre
Manager, Records Office

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-

FAX:

December 12, 2007

Mr. Douglas F. Carlson
PO Box 191711
San Francisco, CA 94119-1711

Dear Mr. Carlson:

This concerns your Freedom of Information Act requests, dated May 16, June 9, August 4, August 21, and November 21. Your requests are logged in as FOIA/PA Request Numbers 2007-FPRO-00436, 2007-FPRO-00531, 2007-FPRO-00650, 2007-FPRO-00683, and 2008-FPRO-00107. We apologize for the delay in responding to your request. Additional time is needed to consult among two or more components of the Postal Service having substantial subject matter interest in the types of records involved. We are extending the response period to 60 working days from the date of this letter (title 39 CFR 265.7(b)(4)(iii)(B)).

As you may know, the FOIA, 5 USC §552, allows agencies 20 working days (exclusive of Saturdays, Sundays and federal holidays) in which to process requests. In unusual circumstances, agencies may qualify for further extensions, and may request a modified FOIA request and/or time frame for response (5 USC §552(a)(6)(B)). Unusual circumstances are defined to include requests that involve voluminous and/or dispersed records, or requests that require consultation with other agencies having a substantial interest in requested records.

Sincerely,



Jane Eyre
Manager, Records Office

PO Box 191711
San Francisco CA 94119-1711
December 31, 2007

Ms. Jane Eyre
Manager
Records Office
United States Postal Service
475 L'Enfant Plz SW
Washington DC 20260

Dear Ms. Eyre:

I am writing in response to your letter dated December 12, 2007, in which you announced that the Postal Service was extending the response date for five of my FOIA requests to 60 working days from the date of your letter.

I do not consent to this extension. Moreover, I consider the extension of time to be unlawful because the FOIA statute permits a maximum extension of 10 working days when "unusual circumstances" exist. 5 U.S.C. § 552(a)(6)(B).

Sincerely,



Douglas F. Carlson

PO Box 191711
San Francisco CA 94119-1711
October 20, 2007

Vice President
Delivery and Retail
United States Postal Service
475 L'Enfant Plz SW
Washington DC 20260

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), for the period from July 1, 2006, to September 30, 2006, and for the period from July 1, 2007, to September 30, 2007, please send me a copy of records that will show the number of Bound Printed Matter Flats transactions and the number of Bound Printed Matter Parcels transactions recorded in the POS ONE system. Records showing every transaction are unnecessary if summary data can be provided at a cost to me that does not exceed the cost of providing records indicating every transaction.

Please note that I plan to evaluate the volume of each of the two transaction types before and after the change in rates and fees that the Postal Service implemented on May 14, 2007. I am seeking data for similar periods this year (on or after May 14, 2007) and last year. If you consult with me and explain the reason for your suggestion, I may agree to a time period of a length other than three months or a time period beginning or ending on dates different from those I have proposed in this request. Also, if we can lower the cost to me or the Postal Service for providing these records by identifying a time period of a length other than three months, a time period beginning or ending on dates different from those I have proposed in this request, or a different data source that would provide retail transaction volume, please consult with me.

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