

**BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001**

**Modification of Mail Classification Schedule
Regarding Bound Printed Matter**

Docket No. MC2008-3

**COMMENTS AND MOTION FOR A STAY OF PROCEEDING
OF
AMERICAN POSTAL WORKERS UNION, AFL-CIO
(April 9, 2008)**

The APWU respectfully submits that the Postal Service has failed to follow the Commission's Rules of Practice and Procedure regarding this classification change to the effect that the Commission cannot judge the impact of this classification change and its compliance with the PAEA.

The APWU regularly mails collective bargaining agreements, handbooks and manuals, and training materials that could be sent by bound printed matter and on occasion we have mailed items at the single piece bound printed matter rate using a postage meter to pay the required postage. We fill orders through experienced vendors. They prepare and mail orders, dropping any single piece bound printed matter with other classes and types of mail at processing and distribution center docks. These mailings do not pass through retail units. However, now APWU would have to put a permit imprint on a single piece or handful of pieces (it is not clear that imprints can be typed on a label). At the moment APWU does not know how to inexpensively deal with the imprint. Presumably our mailer would have to prepare forms. Depending on

implementing regulations, which the Postal Service has yet to issue, APWU may have to apply for additional permits with additional application and annual fees to pay. Given the small number of pieces APWU mails at the bound printed matter rate, any additional fees would force APWU to mail at some other class or rate.

The Postal Service filing does not discuss the impact on mailers like APWU and what alternatives are available and at what cost. As a minimum, the Postal Service should discuss how its treatment of bound printed matter in this proposed classification would comply with the Postal Service's duties under Section 403 (c) of the PRA, which prohibits the Postal Service from making "any undue or unreasonable discrimination among users of the mails...." These would not seem to be "fair and reasonable rates," (403(a)) nor do they "meet the needs of [this] category of mail and mail users." (§ 403(b)(2)).

Although the Postal Service has not made its purposes clear in this case, it would appear that the Postal Service wants to move single piece bound printed matter acceptance from retail windows to bulk mail acceptance units. Retail window clerks can handle such acceptance. The costs of acceptance of single piece bound printed matter through a permit imprint account and bulk mail acceptance unit will likely increase the acceptance cost to USPS and will certainly significantly increase the cost to single piece users. Whether single piece users will have to pay both an application fee and annual permit fee specific to bound printed matter remains unclear - even after the Postal Service amendment and its response to the PRC Information request 1 on April 7. The acceptable form of the required indicia is not clear since the only two examples

for Bound Printed Matter provided in the response are both for presorted mailings which clearly do not apply to single piece. The Postal Service has failed to demonstrate how its proposed classification takes into account “simplicity of structure for the entire schedule and simple identifiable relationships between the rates and fees charged the various classes of mail for postal services... .” 39 U.S.C. § 3622(c)(6). These things would be clear, if the Postal Service had complied with the purposes and intent of rule 64(b), (c), and (d), but it has not.

Given added burdens in mail preparations and the possible added permit fee costs, it would seem that the Postal Service wants to do more than move single piece acceptance away from retail counters. It appears USPS wants to end single piece bound printed matter, but its proposal chooses to achieve this result indirectly rather than directly. Under the PAEA, the Postal Service is required to take into account “the available alternative means of sending and receiving ... mail matter at reasonable costs... .” 39 U.S.C. § 3622(c)(4). Once again, its submission in this case utterly fails to satisfy this requirement.

For these reasons, the Commission should exercise its authority pursuant to rule 66 to stay this proceeding until the Postal Service has complied with the Commission’s Rules and provided adequate information to permit the Commission to consider the request and conduct its proceedings.

Respectfully submitted,

Darryl J. Anderson
Jennifer L. Wood
Counsel for American Postal Workers Union, AFL-CIO

Dated this 9th day of April, 2008