

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

MODIFICATION OF MAIL CLASSIFICATION SCHEDULE
REGARDING BOUND PRINTED MATTER

Docket No. MC2008-3

**RESPONSE OF THE UNITED STATES POSTAL SERVICE
IN OPPOSITION TO MOTION OF THE AMERICAN POSTAL WORKERS, AFL-CIO,
FOR A STAY OF PROCEEDING**
(April 16, 2008)

On March 20, 2008, the Postal Service filed a notice concerning a change in classification pursuant to 39 C.F.R. § 3020.90 *et. seq.*¹ On April 9, 2008, the American Postal Workers Union, AFL-CIO, filed a motion for a stay of this proceeding.² The APWU argues that the Postal Service has not shown that the classification change made by the Governors meets various statutory criteria that it cites in its motion. The Postal Service believes that the APWU's motion is inconsistent with the regulatory framework of the Commission's new rules, and that the requested relief is unnecessary at this stage of the proceeding.

Pursuant to its regulatory authority, the Commission has determined that it will make changes to descriptions of products in the Mail Classification Schedule (MCS) that are submitted by the Postal Service, if such changes do not constitute modification of the MCS Product Lists by adding, deleting, or transferring a product. 39 C.F.R. § 3020.93(a). If the Commission were to determine, following the comment period, that

¹ On March 27, the Postal Service filed a Notice of Amendment to Conforming Changes in Mail Classification Schedule Submitted with Notice of Classification Change.

² The motion was filed in conjunction with APWU's comments in response to the Commission's notices of March 21 and March 28, which allowed for public comments to be filed by April 9.

a submitted change constituted an addition, deletion, or transfer, it presumably would simply decline to make the change. The Postal Service would then have to consider whether to make a request under 39 U.S.C. § 3642 and 39 C.F.R. §§ 3020.30–3020.35, which would address the statutory and regulatory criteria relevant to those procedures.

Pending the Commission's determination as to whether the change constitutes an addition, deletion, or transfer, there is no basis for a stay of proceedings at this time. The APWU's motion should therefore be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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