

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

RULES FOR COMPLAINTS

DOCKET NO. RM2008-3

INITIAL COMMENTS OF DAVID B. POPKIN

October 6, 2008

Respectfully submitted,

PRCrm20083COMMENTS

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

The following are my comments on the Notice and Order concerning the Rules for Complaints.

Section 3030.2 = This section indicates that a duly appointed officer of the Commission representing the interests of the general public may file a written complaint with the Commission. Since the OCA has been disbanded, there is some question as to whether there will be some individual or organization within the Commission responsible for evaluating the need for filing a written complaint to protect the interests of the general public or the officer of the Commission will only be appointed when some other group in the Commission perceives the need for filing a written complaint to serve the needs of the general public for a specific concern.

My desire would be to have some organization within the Commission exist to provide an ongoing evaluation of the Postal Service's activities. This will provide the best protection of the needs and interests of the general public and meet the requirements of this rule section as well as the underlying statute.

Section 3030.10(a)(7) = Just because a complaint is being presented or is pending in another forum, should not keep a complainant from adjudicating it before the Postal Regulatory Commission. Since a complainant is required to attempt to resolve or settle their complaint with the Postal Service, at what point is the item no longer pending before the Postal Service so as to permit the filing of a complaint. The Postal Regulatory Commission should not be the "court of last resort".

Section 3030.10(a)(9) = This section is not clear as to the level within the Postal Service that one must meet or confer with. Obviously, discussing the matter with my local window clerk will not accomplish anything nor should it be required to escalate every concern to the Postmaster General.

This section requires the complainant to meet or confer with the Postal Service. I assume that one could consider that the word "meet" to mean meeting in person. It is not clear that the word "confer" includes the act of corresponding by e-mail or in writing. This should be clarified.

What is the meaning of "alternative dispute resolution"? Does this mean that I must hire an arbitrator and go to Washington before I can file a complaint?

The whole tone of section 3030.10 seems to place an insurmountable burden on a complainant before a complaint can be filed. It seems to indicate that the Postal Regulatory Commission is not willing to consider a complaint until every possible action has been taken to resolve the concerns. If a complaint is valid, then the Commission should provide the forum for resolving it.

Section 3030.11 = Why isn't posting the complaint on the PRC website sufficient notice to the Postal Service? Why is sending it to an e-mail address a better notification?

Section 3030.13 = This section is not clear to indicate that rate or service matters that meet one of the four conditions shown in subsection (a)(1) through (a)(4) may be filed as a "full" complaint before the Commission.

Section 3030.14(a)(6) = The same comments as in section 3030.10(a)(9) above.

Section 3030.20 = Keep in mind that in most cases the Postal Service and not the complainant will have custody of the added information.

Section 3031.11 = There is no indication on how a rate or service inquiry should be filed. May it be filed on the PRC website? Must it be filed on the PRC website? Will the inquiry or the Postal Service's response be available for public viewing?

Section 3031.11(a) = Why is the Commission allowing the Postal Service 45 days to reply to an inquiry when the Postal Service's own regulations require a response to the public within 14 days as noted in section 165.,1 of the Postal Operations Manual?

Why is the Commission allowing the Postal Service to just make a statement that they are refusing or unable to satisfy the rate or service inquiry when their own regulations require an explanation as to why the inquiry cannot be corrected?

165.1 **Time Frames**

Follow the procedures in the chart below to ensure that the necessary actions are performed within the indicated time frames:

Time Frame Action

Initial Contact Within 24 hours after receiving comment or complaint.

Acknowledge comment or complaint by preprinted postcard, letter, telephone call, or personal contact with the customer.

Final Response Within 14 calendar days after receiving comment or complaint.

Send a final response to the customer by telephone, letter, or personal contact. The final response must be comprehensive and either describe how the problem was or will be corrected, or explain why the problem cannot be corrected.

Section 3031.11(c) = Why can the Postal Regulatory Commission consider a proceeding to be resolved without response to the inquiring party? If that is the case, the inquiry can just be filed again.

For the reasons specified above, the Commission should transform its regulations from one that I perceive to be one that is placing numerous roadblocks to filing a complaint before the Commission, particularly by an individual, to one that will be more user friendly and provide a better balance of the role of the Commission.