

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Dan G. Blair, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton;
Ruth Y. Goldway; and
Tony L. Hammond

Modification of Mail Classification Schedule
for International Mail Sealed and Unsealed
Against Inspection

Docket No. MC2009-23

ORDER OF CLASSIFICATION CHANGES

(Issued May 11, 2009)

On April 20, 2009, the Postal Service filed notice pursuant to 39 CFR 3020.90 and 3020.91 of several classification changes concerning whether certain international mail is (or is not) sealed against inspection.¹ More specifically, in what it characterizes as a substantive change, the Postal Service proposes to treat International Surface Airlift (ISAL) and Global Bulk Economy (GBE) as sealed against inspection. The Postal Service indicates that the content of such mail is essentially the same as First-Class Mail International and thus should receive similar treatment. *Id.* at 1. In addition, for Global Direct service, which involves mail prepared according to destination country requirements, the Postal Service would advise the mailer whether such mail is (or is not) sealed against inspection.

¹ See Notice of the United States Postal Service of Classification Change, April 20, 2009 (Notice). The Notice is available on the Commission's website, www.prc.gov, under Daily Listings for April 20, 2009.

The Postal Service also proposes non-substantive changes to the text of the Mail Classification Schedule (MCS). These changes include: (a) removing the term “postal” when modifying the term “inspection” for consistency with 39 U.S.C. 404(c), Postal Service regulations, and the MCS; (b) clarifying that items mailed as Free for the Blind or Handicapped is not sealed against inspection when sent as First-Class Mail International, Priority Mail flat rate envelope or small flat rate box; and (c) revising the text in the MCS to state that M-Bags within the GBE, ISAL and International Priority Airmail products are not sealed against inspection. *Id.* at 2.

The Postal Service states the proposed changes to the MCS do not alter the current application of 39 U.S.C. 404(c), but merely clarify whether this mail is sealed against inspection.

Pursuant to 39 CFR 3020.91, the Postal Service indicates that these changes are to be effective May 11, 2009.

The Postal Service asserts that these classification changes are consistent with the requirements of 39 U.S.C. 3642.

In Order No. 206, the Commission provided notice of the Postal Service’s filing, assigned a Public Representative, and provided a comment period affording interested persons an opportunity to express views and comments by May 4, 2009.² Comments were received from the Public Representative.³ No other interested parties submitted comments.

The Public Representative states that the changes proposed by the Postal Service promote accessibility for the blind and handicapped which supports the universal service obligation of the Postal Service. *Id.* He also notes, as mentioned in Order No. 206, that the Postal Service’s notice of the proposed classification changes has an effective date of May 11, 2009 in its filing with the Commission which conflicts

² PRC Order No. 206, Notice and Order of Classification Changes, April 24, 2009 (Order No. 206).

³ Public Representative Comments in Response to United States Postal Service Notice of Classification Change For International Mail, May 4, 2009 (Public Representative Comments).

with the subsequent *Federal Register* published effective date of June 1, 2009, which needs to be reconciled. The Public Representative concludes that the Postal Service's filing complies with applicable Commission rules of practice and procedure, and that the proposed changes to the MCS comport with the requirements of title 39. *Id.* at 3-4.

The Commission finds that the proposed changes are in accord with 39 CFR 3020.90 *et seq.* and are not inconsistent with 39 U.S.C. 3642. The Commission directs that the draft MCS be modified to reflect the changes embodied in the Postal Service's filing.⁴ In accordance with 39 CFR 3020.91, the Postal Service states these changes are to be effective May 11, 2009.

As noted in Order No. 206 and as discussed by the Public Representative, there is some uncertainty concerning the proposed effective date of the proposed classification changes. To avoid confusion, the Postal Service should clarify which is the correct effective date.

It is Ordered:

1. The proposed classification changes filed by the Postal Service in this proceeding are not inconsistent with 39 U.S.C. 3642.
2. The draft Mail Classification Schedule is modified as set forth in the body of this Order.

By the Commission.

Steven W. Williams
Secretary

⁴ As noted in the previous order, the language suggested by the Postal Service in its Notice is illustrative and subject to change in the MCS the Commission ultimately adopts.