

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

Before Commissioners:

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

Modification of Mail Classification Schedule for
Restrictions on Current and Personal
Correspondence Contained in International Parcels

Docket No. MC2010-10

ORDER CONCERNING CLASSIFICATION CHANGES

(Issued December 1, 2009)

I. INTRODUCTION

The Postal Service proposes changes in classification for several international mail services in accordance with 39 CFR 3020.90 *et seq.* For the reasons discussed below, the Commission accepts the Postal Service's classification changes.

II. BACKGROUND

On November 5, 2009, the Postal Service filed a notice with the Commission pursuant to 39 CFR 3020.90 *et seq.* concerning changes in classification governing several international mail services: Inbound Surface Parcel Post at Universal Postal

Union (UPU) rates, Outbound Priority Mail International, Inbound Air Parcel Post, and Inbound Surface Parcel Post (at non-UPU rates).¹ Currently, regarding each of the foregoing parcel services, the Universal Postal Convention (Convention) prohibits the mailing of “documents having the character of current and personal correspondence” and “correspondence of any kind exchanged between persons other than the sender and the addressee or persons living with them.” *Id.* at 1.

The Postal Service reports that Article 15 of the Convention was revised in 2008 to allow the inclusion of (1) current and personal correspondence between the sender and the addressee, and (2) “archived materials, exchanged between persons other than the sender and the addressee or persons living with them.” *Id.* at 2. The change is effective January 1, 2010.

To give effect to the changes, the Postal Service proposes to delete the current provision from the draft Mail Classification Schedule (MCS). *Id.* It asserts that the content restriction need not be addressed in the MCS text when the new Convention text becomes effective. *Id.* It intends to reflect the restrictions in the International Mail Manual (IMM).

Section 3020.91 requires the Postal Service to file notice of the proposed change with the Commission no less than 15 days prior to the effective date of the proposed change. The Notice states that the classification changes are to become effective at 12:01 a.m. on January 1, 2010.

The Postal Service asserts these classification changes are consistent with the requirements of 39 U.S.C. 3642, and further proposes conforming Mail Classification Schedule language.

In Order No. 337, the Commission gave notice of the docket, appointed a Public Representative, and provided the public with an opportunity to comment.²

¹ See Notice of United States Postal Service of Classification Changes, November 5, 2009 (Notice). This notice is available on the Commission’s website, www.prc.gov.

² See PRC Order No. 337, Notice and Order Concerning Classification Changes, November 9, 2009 (Order No. 337).

III. COMMENTS

Comments were filed by the Public Representative.³ No other interested person submitted comments. The Public Representative states that the modifications proposed by the Postal Service comply with the requirements of title 39 and are consistent with the requirements of 39 CFR 3020.90 *et seq.* *Id.* at 1. He maintains that the proposed change to contents of parcel shipments are minor and conform to the UPU Convention provisions effective January 1, 2010. *Id.* at 2. The Public Representative also observes that the deletion of the restrictions on inclusion of correspondence in parcels and addition of the information in the IMM is appropriate since customers will consult it and foreign mailers are subject to UPU regulation. He concludes the proposed changes benefit customers of the Postal Service and the general public. *Id.*

IV. COMMISSION ANALYSIS

The Postal Service characterizes the changes as minor and proposes to delete the existing restriction on the inclusion of correspondence in parcels from the MCS. Notice at 2. The Postal Service's rationale is that the MCS is not designed to reflect more detailed product descriptions. It intends to reflect the mailing restrictions in the IMM. *Id.* The Postal Service also mentions a similar restriction on the exclusion of personal and current correspondence not exchanged between the sender and recipient in Article 15 paragraph 2.1.6 of the Convention which is not reflected in the draft MCS, suggesting that the omission is "presumably due to its minor impact on eligibility." *Id.*

The Postal Service notes that the classification changes modify "the restrictions on the inclusion of documents having the nature of current and personal correspondence." *Id.* at 1. The Commission's initial draft MCS did not include a provision similar to Section 2.1.6 which contains restrictions similar to the one being deleted. The omission is an oversight. It does not support excluding the latest change

³ See Public Representative Comments in Response to United States Postal Service Notice of Classification Changes for International Mail, November 18, 2009 (Public Representative Comments).

from the MCS. The change, as the Postal Service notes, concerns what may be mailed in various parcels. While it may be a “minor content restriction” (*Id.* at 2), it nonetheless affects what may lawfully be mailed at parcel rates. Thus, it should be reflected in the MCS.

The Commission finds that the proposed changes are in accordance with 39 CFR 3020.90 *et seq.*, and are not inconsistent with 39 U.S.C. 3642.

The draft MCS text will be revised to reflect the classification changes. See Attachment A.

V. ORDERING PARAGRAPH

It is Ordered:

The proposed classification changes are accepted. The draft Mail Classification Schedule is revised to reflect the changes.

By the Commission.

Shoshana M. Grove
Secretary

Mail Classification Schedule

Part A—Market Dominant Products

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Inbound Surface Parcel Post (at UPU rates)

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~~Documents having the character of current and personal correspondence generally are prohibited in parcel post.~~

The insertion of correspondence, with the exception of archived materials, exchanged between persons other than sender and the addressee or persons living with them is prohibited.

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Part B—Competitive Products

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Priority Mail International

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Outbound Priority Mail International

Description

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~~d. Written correspondence having the nature of current and personal correspondence is not permitted.~~

d. The insertion of correspondence, with the exception of archived materials, exchanged between persons other than sender and the addressee or persons living with them is prohibited.

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Inbound Air Parcel Post

Description

b. ~~Written correspondence having the nature of current and personal correspondence is not permitted in Inbound International Air Parcel Post.~~

b. The insertion of correspondence, with the exception of archived materials, exchanged between persons other than sender and the addressee or persons living with them is prohibited.

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Inbound Surface parcel Post (at non-UPU rates)

Description

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b. ~~Documents having the character of current and personal correspondence generally are prohibited in Inbound Surface Parcel Post.~~

b. The insertion of correspondence, with the exception of archived materials, exchanged between persons other than sender and the addressee or persons living with them is prohibited.

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