Postal Regulatory Commission
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BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint of William Smith Docket No. C2011-1

COMPLAINT OF William Smith
REGARDING Noncompliance with Domestic Mail Manual Section 604.9.1.6

January 11th, 2011

William Smith
1643 Muirfield Dr.
Dyer, IN 46311-1260
12197418239
coolwhs@gmail.com

I. Unlawful Denial of Exchange Request

1. Pursuant to 39 U.S.C. § 3662, William Smith respectfully submits this complainant against the United States Postal Service.

2 (a). The United States Postal Service is noncompliant with 39 USC §403 (c) as they have discriminated against myself by refusing to exchange lawful postage in accordance with Domestic Mail Manual Section 604.9.1.6.
(b). The United States Postal Service is noncompliant with 39 USC §404 (a) (4) as they refuse to provide stamped paper in response to a lawful exchange request as dictated by Domestic Mail Manual Section 604.9.1.6.
(c). The United States Postal Service is noncompliant with 39 CFR §111.1 as they refuse to provide stamped paper in response to a lawful exchange request as dictated by Domestic Mail Manual Section 604.9.1.6.

II. Refusal to Follow Domestic Mail Manual Section 604.9.1.6.

3. The USPS has violated Domestic Mail Manual Section 604.9.1.6 by refusing to exchange spoiled stationery and unused aerogrammes as explicitly required by the rule on multiple separate occasions, including once at Dyer IN post office in early 2009, leading to Exhibit A, then Exhibit B. I subsequently made another exchange attempt in Dyer IN in late April 2009, and sent a letter Registered Mail RB570124527US requesting affirmation of Exhibit B by the Consumer Advocate to which there was no response. I received Exhibit C when I contacted the PRC informally in early 2010, which provides my only documentation of a request, however I was never able to complete the request and when I followed up with Ms. Robin Miller in late 2010, and completing an exchange was not possible. All stationery I presented met the standards required by DMM Section 604.9.1.6, was free of a preprinted return address as well as not printed for reply. On every occasion excluding the one above, I presented a copy of the relevant page of the Domestic Mail Manual along with the material and was rebuffed without follow-up.

III. Economic Issues

4. I wish to exchange the old material that I acquire for substantially below face value on the secondary market for new stationery for use in my business as well as resale for profit. Although the stationery I purchase is valid, multiple postage stamps are necessary to bring it to current prices and the presence of those stamps damages the aesthetics that most current businesses prefer and are willing to pay a premium to acquire. Additionally, the rule allows for the cross-exchange of stationery, and I wish to take advantage of the disparity in price between certain undesirable classes of stationery, such as aerogrammes and postcards and exchange them for items with broader appeal and usefulness in my business, including all varieties of Prepaid Priority Mail Flat-Rate Envelopes, Prepaid Express Flat-Rate Mail Envelopes and Forever-stamped envelopes along with any upcoming “Critical Mail” Products that are based upon envelopes for customers that qualify. I'm willing to pay the associated fees with any exchange.

IV. Persons Adversely Affected by the United States Post Office's Inaction

5. Any persons whom sell their unused or unusable stationery are negatively impacted by the depressed secondary market prices, including businesses whom purchase envelopes for postage, stamp dealers, and stamp collectors who wish to exchange undesirable postage for current stationery.

V. Evidentiary Support

6. All evidence of rules is based upon public documentation in the Domestic Mail Manual, and definitions as provided in Publication 32 of the United States Postal Service. Evidence of exchange attempts is provided by information and belief.

VI. Evidence Based on Information and Belief

7. I can obtain affidavits from those involved in my previous exchange attempts or attempting another exchange with a designated witness present.

VII. Issue Not Presented Previously

8. The plaintiff is not aware of any pending or past commission proceedings concerning this topic.

VIII. Remedy Requested

9. I request that the United States Postal Service be bound to follow Domestic Mail Manual Section 604.9.1.6 in its entirety, verify all postage presented for exchange as if presented for mailing in an expedient fashion, and conform to all definitions as listed in United States Postal Service Publication 32. I request the Postal Regulatory Commission require that Postal Service employees provide prompt written verification of receipt or denial of a request concerning Domestic Mail Manual Section 604.9.1.6. I also request that the Postal Regulatory Commission confer any additional remedy it deems just and proper.

IX. Inaction by United States Postal Service Counsel

10. The plaintiff contacted the Postal Service's General Counsel, with the letter arriving on the 3rd of August 2010 via Registered Mail RE544220635US. As of today, I have received no reply.

X. Service of Complaint

11. I have served the United States Postal Service as required by the simultaneous transmission of this document to both the Postal Regulatory Commission at PRC-PAGR@prc.gov and the United Sates Postal Service at PRCComplaints@usps.gov.

XI. Evidence

Exhibit A

CONSUMER AFFAIRS

UNITED STATES POSTAL SERVICE

April 20, 2009

Mr. William Smith
1643 Muirfield Drive
Dyer, IN 46311-1260

Dear Mr. Smith:

This responds to the letter to Postmaster General John E. Potter regarding your request for stamp exchange.

Please accept our apology for any inconvenience caused you. We certainly do not wish to inconvenience anyone, and we are pleased that you have given us the opportunity to provide you with information on exchange of unused postage. Postage stamps never expire; therefore, customers can continue using existing stamps.

The post office may correct mistakes in selling damaged, defective, or otherwise unserviceable stamps by exchanging stamps at full postage value. Even if the stamps are damaged or otherwise unusable for postage (because of humidity, moisture, or other causes) while in a customer's possession, they may be exchanged, but only for an equal number of stamps of the same denomination. Unusable stamps accepted from a customer under these conditions must be those on sale at post offices within 12 months before the transaction. Quantities of the same denomination over $10 must be returned in the same configuration as when bought (i.e., sheets, coils, booklets). Each such transaction is limited to $100 worth of postage from each customer. Adhesive stamps are not exchangeable unless mistakes were made in buying, or the stamps were defective, or they were affixed to commercial envelopes or postcards.

The stamps presented for exchange must be in substantially whole condition, with the denomination evident. If coils of stamps are partially stuck together and cannot be counted, the postmaster may accept the customer's estimate of the number of stamps left in the coil and give equal quantities in exchange.

I do apologize for the inconvenience you experienced as a result of this incident.

Sincerely,

Sameatria Morton
Consumer Research Analyst

Reference: HQ433891020

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-2200
1-800-ASK-USPS
FAX: 202-268-2304
WWW.USPS.COM

Exhibit B

MAILING STANDARDS

UNITED STATES POSTAL SERVICE

June 9, 2009

William Smith
1643 Muirfield Drive
Dyer IN 46311-1260

Dear Mr. Smith:

Thank you for your letter dated May 16, 2009, regarding the standards for refund and exchange of postage items.

The simple answer to your question is that each *Domestic Mail Manual* (DMM) standard referred to in your letter is in effect.

DMM 604.9.1.6 reflects Postal Service policy governing the change of spoiled and unused Postal matter. DMM 604.9.1.8 describes postage items that are not exchangeable. That section does not render ineligible for an exchange of items described in DMM 604.9.1.6. DMM 604.9.2 pertains to postage and refunds, not exchanges.

I hope you find this information useful.

Sincerely,

Lizbeth Dobbins
Manager

P:MS:CJL:931480

475 L'Enfant Plaza SW Room 3436
Washington DC 20260-3436
202-268-7261

Exhibit C

This email is from the local Postmaster (via the CAM, who helped resolve this issue.) The Postmaster indicates their office (and the Postmaster personally) have been in contact with the customer and the customer knows he is being given an exchange/refund for the items as he requested.

From: Roell, Faith E - Indianapolis, IN
Sent: Wednesday, April 29, 2009 2:22 PM
To: Morton, Sameatria B - Washington, DC; MacCloskey, Robert C - Washington, DC
Subject: FW: William Smith

Please review response from Robin Miller Dyer Indiana below regarding William Smith.

Faith Roell

A/Manager Consumer Affairs
United States Postal Service/Greater Indiana District
Phone: (317) 870-8243 Fax: (317) 870-8684

Email: faith.e.roell@usps.gov
Visit the USPS on the web at: www.usps.com

From: Miller, Robin J - Dyer, IN
Sent: Wednesday, April 29, 2009 6:11 AM
To: Roell, Faith E - Indianapolis, IN
Subject: RE: William Smith

Hi Faith,

Yes he was here in the office on Monday so Ray and I both spoke to him. He is going to get
back with us at a later date for his credit.

Talk to you later!

Robin