

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Retail Access Optimization Initiative

Docket No. N2011-1

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TESTIMONY OF FREDERICK D. FOSTER OBJECTION TO RAOI

(September 16, 2011)

I, Frederick D Foster object to the USPS proposed RAOI. The proposed RAOI is a direct contradiction of the US Constitution, 39 USC, the PAEA, and the implied authority given to the USPS. If implemented, the result will be further deterioration of the fabric of the Nation and the USPS.

It is the position of F D Foster that when referring to the Nation's mail, the USPS neglected its powers and responsibilities as outlined and intended in the aforementioned documents. The implied authority as outlined in the Congressional "POWER TO PROTECT THE MAIL" states, "The postal powers of Congress embrace all measures necessary to insure the safe and speedy transit and prompt delivery of the mails". The 2006 Postal Accountability Enhancement Act identifies 'the delivery of mail and access to mailboxes' as a Postal Monopoly.

It is the position of F D Foster that this authority applies to all mail, physical or electronic (email). Mail is mail.

**Letter:** a written or printed communication directed to an individual or organization

**Mail:** Postal material for a specific person or organization (*The American Heritage Dictionary*). The fact that mail is mail is further demonstrated by the simultaneous decline in physical mail volume and the rise in email volume, and the migration of the mailing customer to email.

In late 2006, early 2007, F D Foster introduced his findings to the Strategic Planning Department of the USPS stating that the Nation's mail is being compromised by the Internet service providers who do not have the authority to deliver mail and these same Internet service providers are responsible for the declining financial condition of the USPS. Moreover, it is the responsibility of the USPS to protect our Nation's mail. Since 2007 to the present, F D Foster has authored numerous documents of which were forwarded to the Postmaster General, GAO, OIG, House of Representatives, Senate, DOC, PRC, and other government agencies that regulate Postal Operations. On February 24<sup>th</sup> and April 19<sup>th</sup>, 2011 the USPS Office of the Inspector General released two detailed reports, RARC-WP-11-002 and RARC-WP-11-003, both of which further compounded the findings of F D Foster.

In closing, it is the position of F D Foster that the RAOI is not a viable solution to the present and future condition of the USPS. As identified by the OIG reports, the USPS must apply its implied authority and government mandates to the all mail, utilizing modern methods to insure the safe and speedy transit and prompt delivery of the mails.

This testimony is only a partial testimony of F D Foster, as it is intended to brief the PRC on our position.

Respectfully Submitted,  
/s/ F F  
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