

DOCKET SECTION

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

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POSTAL RATE AND FEE CHANGES, 1997]

DOCKET NO. R97-1

REPLY BRIEF

1. David B. Popkin, a limited participant in the above referenced Docket, hereby submits his Reply Brief to the Commission. This Reply Brief is being mailed on April 7, 1998, three days prior to the April 10, 1998 filing date. The service standard from New Jersey to Washington DC is two days. In the event that this is not received in time, it will be the fault of the Postal Service and I move for late acceptance.

2. This case appears to be unique in the cases that I have participated in. It appears to me that the United States Postal Service has taken the position that even though they are making money "hand over fist", they are still greedy and asking for more. As indicated in the Office of the Consumer Advocate ["OCA"] Initial Brief, not only should the Postal Service not be granted the requested increase in rates and fees, but should have some of them reduced.

3. The members of the mailing public, as a captive audience, must be protected against the monopolistic pricing practices of the Postal Service.

RETURN RECEIPTS

4. The thrust of the Initial Brief of the United States Postal Service ["USPS Brief"] as it relates to return receipt service is that they are providing a quality product, the public is satisfied with it based on a lack of complaints, and that it warrants the added rate.

5. In footnote 38 on page VI-40 of the USPS Brief, the Postal Service states that return receipt provides high value. The contention of both myself and Intervenor Douglas F. Carlson is that this statement is a self-serving statement that the Postal Service makes without ever having conducted any survey or study. In footnote 42 on page VI-42 of the USPS Brief, the Postal Service elaborates on a number of features of the return receipt which they brush off as being "incidental features" "of limited importance to customers who are concerned primarily with the core feature of return receipt service: notification of delivery."

6. The Postal Service has not conducted any study of return receipt service since suggested by the Commission in R90-1 and makes these self-serving statements based on the rebuttal testimony of witness Plunkett. This is the same witness Plunkett who, on oral cross-examination, indicated that he was not aware of any return receipts being processed in a manner which did not fully comply with the outstanding regulations. How is he able to state what customers want or do not want if a study has not been conducted?

7. On page VI-41 of the USPS Brief, the Postal Service states that the "demand evidence likely indicates customer satisfaction with the quality of return receipt service better than any study of quality would." This is all well and good, but I can only assume that the Postal Service does not want to conduct a survey of quality since they know full well that they are not meeting their own requirements. The increased demand for return receipt service is not based on the quality of the service but in all likelihood is based on the increased need for the service coupled with the lack of reasonably priced alternatives.

8. In fact, when I filed my 1997 tax returns last month, I felt that I would be going through the same problems as last year with Holtsville and Trenton as I did the previous year. Not to be disappointed, when I sent off a duplicate return receipt to Trenton to clarify a point on the original return receipt which was returned to me, it came back indicating that there was no record of delivery. Now, I am confused. Do I have to file my tax return over again? Is this an indication of a high value of service; not in my book.

9. The Postal Service in footnote 39 on page VI-41 of the USPS Brief indicates that there is no evidence that return receipt service has deteriorated since Docket No. R94-1. They seem to conveniently overlook the evidence that I introduced in the cross-examination of witness Plunkett which showed that 81% of my return receipts in a recent mailing were not properly completed as well as the IRS/USPS letters of myself and Intervenor Douglas F. Carlson, some of which have been entered into evidence.

10. The Postal Service states that providing an accurate date of delivery is purely incidental. Much of my return receipt usage was with mail sent to the Federal Communications Commission ["FCC"]. The FCC rules [47 CFR 1.7] state that the date of delivery and not the date of mailing controls the receipt of the article. It was somewhat frustrating to send a letter to the FCC only to have it and the return receipt card sitting on the desk of the employee that it was addressed to while he was away on annual leave. Of course, when he returned from A.L., he had no idea of what date to put on the green card.

11. The level of service that the Postal Service proposed in the March 16, 1998 Federal Register is nothing more than a means of getting the fee for return receipts without having to provide any service other than the post card fee [proposed to be \$1.45 vs. 21-cents]. The mailer will receive no added service for the additional \$1.24 and will be hoodwinked into believing that they have. There will be no independent verification of the data that appears on the return receipt, such as an accurate date of delivery, or the printed name, or the updated address, or the signature [items that the Postal Service claims add to the value of the service]. There will be no guarantee that the recipient will even return the green card. Since return receipt service is used where there is or may be an adversarial relationship between the sender and recipient, there is an incentive for the recipient to fail to properly complete or even not complete the receipt. The Postal Service's line just appears to be, give us the money and don't worry about the service.

12. As I have stated in my Initial Brief, the bottom line with respect to return receipt is that it is not a service. The Postal Service does not provide the service that they claim. They have not and apparently will not conduct a study of the quality of service. When confronted with evidence of poor quality, they just change the rules to make the poor

service acceptable. Return receipt service is a sham and a fraud on the mailing public. After seven years of documented poor service, the Commission must take a stand and deny any increase in rates. If the Postal Service insists on allowing the recipient to complete the return receipt, that rate should be greatly reduced since the Postal Service is not providing the service. This is no different than allowing the fox to guard the hen house, or as I just saw on television, allowing Dracula to be in charge of the blood bank. Furthermore, the proposed rule does not meet the requirements of Sections 945.11, 945.23, and Fee Schedule 945 of the Domestic Mail Classification Schedule in that the processing and completion of the return receipt would be out of the control of the Postal Service.

STAMPED ENVELOPES

13. In footnote 51 on page VI-48 of the USPS Brief, the Postal Service refers to the revised Fee Schedule 961 for stamped envelope prices. Unfortunately for the Postal Service, this interrogatory was not designated into evidence and may not be utilized. The rates as originally proposed should be adopted as indicated in my Initial Brief at paragraph 50.

FIRST-CLASS MAIL VS PRIORITY MAIL RATE TRANSITION

14. While the Postal Service trumpets the advantages of Priority Mail over First-Class Mail on pages V-105 and 106 of the USPS Brief, the Postal Service overlooks that all of these apparent advantages are available for a mailer who wishes to obtain and pay for them. However, they should not be required to do so. The transition between First-Class Mail and Priority Mail should be changed to 13 ounces and the DMCS should be modified to indicate that the transition weight will be based on that weight which will cause the "next ounce" to be equal to or less than the regular additional ounce rate.

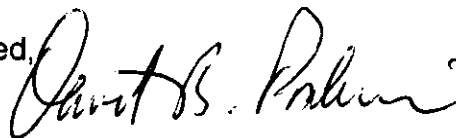
SUMMARY

15. It is still difficult to participate in this case as an individual intervenor located several hundred miles from Washington DC. Once again, the Postal Service's nice gesture of sending their Initial Brief to me by Express Mail did not work when it did not arrive within service standards. Actually the method proposed by Postal Service Counsel to me in an e-mail message might have been better than Express Mail, "Next Wednesday, we're going to strap a copy of our Initial Brief to a 3-legged mule, get it drunk on corn squeezins, spin it round and round, blindfold it, and then whisper in its ear, "0...7...6...3...1...dash...0...5...2...8" and see what happens!!!! If we can't find a mule, we'll Express Mail a copy." I received all three copies on the same day. There are still nineteen Initial Briefs that have been filed at the Commission by April 2nd that I have yet to receive as of April 4th. However, I am forced to ignore them because of the necessity of working on the weekend to complete my response.

16. Based on the financial position of the United States Postal Service over the past several years, the requests for rate increases over and above those currently authorized must be denied. Furthermore, the service related changes should be approved.

17. For the reasons stated above, I request that the Postal Rate Commission take the actions requested for each of the services as noted in both my Initial Brief and Reply Brief. I will not reiterate the items presented in my Initial Brief..

Respectfully submitted,

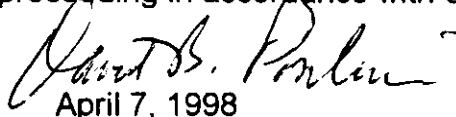


David B. Popkin, PO Box 528, Englewood, NJ 07631-0528

April 7, 1998

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with Section 12 of the rules of practice.



David B. Popkin April 7, 1998