

ORIGINAL

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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General Review of the Rules of Practice

Docket No. RM98-3

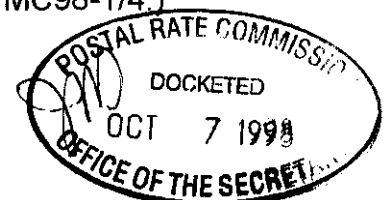
COMMENTS
OF MAJOR MAILERS ASSOCIATION
ON
REQUEST FOR SUGGESTIONS

In response to the Commission's August 27 Request for Suggestions, Major Mailers Association (MMA) has the following comments concerning "electronic filing requirements (or options)" (Order No. 1218).

1. The Commission is to be commended for its pioneering accomplishments in developing its own WEB site. By encouraging the parties to file their documents with the Commission in electronic format as well as hard copy, the Commission has speeded the time when the filings can be reproduced on the WEB site. This has provided the parties with a valuable early warning system.

MMA supports continuation of present practice. MMA would not object if the Commission wants to make the existing system, which is optional, compulsory for the format of filings with the Commission.

2. MMA would not support any proposal to eliminate each party's obligation to serve hard copies of its documents upon other parties. Like the Postal Service, MMA has serious doubts about whether it is economic or efficient to eliminate hardcopy service. (See USPS' September 11 Response to Ruling POR No. MC98-1/4.)



2A. In Order No. 1218, the Commission states that it is interested in “electronic filing requirements (or options)” as one of the “ways to reduce the costs inherent in service of documents....” Most documents filed with the Commission are only a few pages long and are not particularly expensive to mail. The real expense is for service of lengthy documents, like testimony and briefs, which the parties must mail at First-Class additional-ounce postage rates.

But in order to work with those important documents, the non-originating parties cannot be satisfied with scanning the electronic copy shown on the WEB page. In order to evaluate other parties’ testimony and briefs and to prepare responses, parties need a hard copy which they can markup and refer to repeatedly. So non-originating parties would be obliged to download the documents from the WEB site.

That would entail a costly and inefficient duplication of effort. Instead of having the filing party or its commercial printer make all copies at one time on a high-speed copy machine, receiving parties would separately have to go to the WEB site and then separately download copies and print them on slow computer printers.

Compared with the receipt of hard copies by mail, that procedure would be timeconsuming. Take, for example, the Postal Service’s 722-page Initial Brief in Docket No. R97-1, which the Commission placed on its WEB page in eleven separate sections, each of which had to be downloaded separately. Any party trying to download and print that Initial Brief would be condemned to stand by the computer and printer until late in the night. Downloading and printing the separate direct testimonies

of OCA's seven witnesses would take almost as long.

If the Commission eliminates hardcopy service for future proceedings, the results could be chaotic. On days when briefs or testimony are filed in future cases, twenty or so participants may be trying during the same hours to download the filings of a dozen other parties. Even if the Commission and the parties' computers all operate without mishap, the resulting traffic jam could cause delays in accessing and obtaining documents.

2B. Even for short, routine filings, parties would regret being deprived of hard-copy service. With the large number of participants in Commission rate and classification cases, tens of routine documents are filed almost every day. With hard-copy service, sophisticated participants can scan hard copies of these documents quickly, eliminating unimportant ones at a glance, putting others aside until needed, and concentrating attention on the few important filings. Moreover, practitioners do not need to interrupt other office work to perform this scanning process; they can stuff these mailed filings into briefcases, to be read on airplanes or at home in the evening. These efficiencies would be disappear if hardcopy service is lost.

2C. In addition, electronic-only service would cost parties more than it saves them. In a major rate or classification case (unlike the atypically small Mailing Online Service Case), each party's lawyers, consultants and support personnel would have to devote substantial time to downloading and printing the documents filed by all other parties and posted on the WEB site. That time is not free; parties would have to pay

for the time spent on those tasks, either in the form of more personnel or increased salary expense. For each party, MMA believes, the costs of that downloading and printing of other parties' documents would exceed the costs of printing and mailing the party's own filings. Thus, electronic-only filing would simply shift costs from parties as senders of documents to the same parties as recipients.

2D. By changing present rules for service, the Commission would also create confusing distinctions among participants. It is inconceivable that the Commission would require all participants to forego hardcopy service by mail. Some participants, even some full participants, will be individuals, consumer representatives or small businesses that do not own computers, have internet service providers or are not computer literate. For such participants, the Commission must continue the option of receiving hardcopy service by mail, as the Commission did in its experiment in Docket No. MC98-1. But, by creating two classes of participants with differing rules of service for each class, the Commission will only complicate and confuse the service process, increasing the instances when some parties fail to receive any service of a document.

2E. If the Commission eliminates regular hardcopy service by mail, it will be out of step with other electronically sophisticated government agencies. For example, the Department of Transportation maintains a WEB site (dms.dot.gov) to which it posts copies of pleadings and documents in filed cases (as well as other documents). Notwithstanding this, parties filing those documents are not relieved of any existing obligation to serve copies by mail on interested persons. The Commission would be

well advised to follow the DOT model.

* * *

For these reasons, MMA urges the Commission to continue the existing practice of requiring, in litigated cases, that each party must provide other participants with hard copies of the party's filings (except where the Commission's special rules of practice--like Rule 3C in Docket No. R97-1--eliminate the need for service).

Respectfully submitted,



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October 7, 1998

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document, by First-Class Mail, upon the U.S. Postal Service, the Office of Consumer Advocate and the other parties to Docket No. R97-1.



October 7, 1998