

ORDER NO. 1858

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

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Robert G. Taub, Vice Chairman;  
Mark Acton; and  
Nanci E. Langley

Request to Add Private Address Forwarding  
to the Market Dominant Product List

Docket No. MC2013-60

ORDER MODIFYING THE PROCEDURAL SCHEDULE

(Issued October 23, 2013)

*Background.* On September 18, 2013, Petitioner Sai (Petitioner) filed a request, under 39 U.S.C. § 3642 and 39 C.F.R. § 3020.50, to add Private Address Forwarding to the Mail Classification Schedule.<sup>1</sup> In the Request, Petitioner asks, *inter alia*, that the Commission provide a public comment period “adequate to permit the public to consider both this proposal and the USPS’ response, and to comment in that context.” Request at 5.

On September 23, 2013, the Commission issued a Notice and Order establishing the instant docket, appointing a Public Representative, and providing dates for

---

<sup>1</sup> Request to the Postal Regulatory Commission Under 39 USC 3642 & 39 CFR 3020.50 to Add Private Address Forwarding to the Mail Classification Schedule, September 18, 2013 (Request).

comments and reply comments on the Request.<sup>2</sup> The Commission set a deadline of October 16, 2013 for the Postal Service to provide its preliminary views on the Request. See 39 C.F.R. § 3020.54. The Commission set a deadline of October 16, 2013 for interested persons to submit comments on the Request and a deadline of November 13, 2013 to submit reply comments. Order No. 1838 at 4.

*Public Representative's motion for reconsideration.* On September 24, 2013, the Public Representative filed a motion for clarification and reconsideration of Order No. 1838.<sup>3</sup> The Public Representative asks that the procedural schedule be amended so that the comment deadline is 30 days following receipt of the Postal Service's preliminary views. He requests this so that the Postal Service may "potentially contact and negotiate with the person or organization making the proposal" and so that the parties may "formulate thoughtful and informed comments." PR Motion at 2.

*Petitioner's motion for reconsideration.* On September 25, 2013, Petitioner filed a motion for reconsideration of Order No. 1838.<sup>4</sup> In it, Petitioner expresses support for the Public Representative's proposal to extend the deadline for filing public comments until 30 days after the Postal Service files its preliminary views. Petitioner's Motion for Reconsideration at 2. Petitioner explains that his intention is to publicize his proposal, but only after the Postal Service has filed its preliminary views. *Id.* Petitioner asks that the deadline for initial public comments be extended to November 15, 2013, that Postal

---

<sup>2</sup> Notice and Order Concerning Request to Add Private Address Forwarding to the Market Dominant Product List, September 23, 2013 (Order No. 1838).

<sup>3</sup> Public Representative Motion for Reconsideration and Clarification of Order No. 1838, September 24, 2013 (PR Motion). With respect to clarification, the Public Representative notes that in Order No. 1838, the Commission indicated that the instant Request is the first request filed "pursuant to section 3642 and the Commission's rules, 39 CFR 3020 subpart B." Order No. 1838 at 3. The rules applicable to this docket are those codified in 39 C.F.R. subpart C rather than subpart B. The motion for clarification is granted.

<sup>4</sup> Petitioner's Support of and Expansion to Public Representative's Motion for Reconsideration of Order No. 1838, September 25, 2013 (Petitioner's Motion for Reconsideration).

Service reply comments be due on December 12, 2013, and that reply comments from the public be due on January 12, 2014. *Id.*<sup>5</sup>

*Petitioner's motion for an extension.* On October 1, 2013, the Commission suspended operations due to a lapse in appropriations. During the lapse, which extended through October 16, 2013, parties could submit filings, but the filings were neither docketed nor posted to the Commission website until October 17, 2013, when operations resumed. On October 2, 2013, Petitioner filed a motion seeking an order extending all deadlines by the number of days that operations were suspended, plus two additional days to account for shutting down and restarting operations.<sup>6</sup> Petitioner states that the extension should be granted so as to give the Postal Service 28 days to prepare its preliminary views. Motion for Extension at 1.

*Postal Service's answer.* On October 16, 2013, the Postal Service submitted its preliminary views on the Request<sup>7</sup> and an answer responding to the motions for reconsideration.<sup>8</sup> In its Answer, the Postal Service contends that both motions for reconsideration should be denied. Answer at 3-4. It states that the Public Representative's proposed schedule is flawed because it does not provide the Postal Service with an opportunity to file reply comments and delays Commission consideration of comments until mid-November. *Id.* at 2-3. The Postal Service argues that Petitioner's proposal would cause even greater delays, although it recognizes that

---

<sup>5</sup> In his Motion for Reconsideration, Petitioner asks several questions seeking clarification on Commission procedures. *Id.* at 3-5. Petitioner may contact the Public Representative to get clarification on these procedural issues.

<sup>6</sup> Petitioner's Motion for Schedule Extension Due to Government Shutdown and Urgent Reconsideration of Order No. 1838, October 2, 2013 (Motion for Extension).

<sup>7</sup> Comments of the United States Postal Service in Response to Notice and Order Concerning Request to Add Private Address Forwarding to the Market Dominant Product List, October 16, 2013 (Preliminary Views).

<sup>8</sup> Reply of the United States Postal Service to Motions Seeking Reconsideration of the Procedural Schedule, October 16, 2013 (Answer). Answers in support of, or in opposition to, the PR Motion and the Petitioner's Motion for Reconsideration, were due on October 1 and October 2, 2013 respectively. See 39 C.F.R. § 3001.21(b). The Postal Service filed a motion for late acceptance of its Answer. Motion of the United States Postal Service for Late Acceptance of the Filing of Its Opposition to Motions Seeking Reconsideration of the Procedural Schedule, October 16, 2013. That motion is granted.

the deadline for filing reply comments may need to be extended in light of the suspension of operations. *Id.*

*Petitioner's revised motion for rescheduling.* On October 21, 2013, Petitioner filed a revised motion for rescheduling.<sup>9</sup> In it, Petitioner recognizes that his request that the public comment period come after the Postal Service submits its Preliminary Views is moot. Revised Motion at 1. He asks that the Commission revise the procedural schedule in two ways: first, by establishing a filing date for “what might otherwise be considered ‘initial’ comments” and second, by permitting reply comments to be filed by all interested persons by December 20, 2013. Revised Motion at 4.

In addition, he requests that the comment deadline be extended by 30 days after the Postal Service produces documents that Petitioner has requested by motion before the Commission and through a separate document request with the Postal Service pursuant to the Freedom of Information Act.<sup>10</sup> Revised Motion at 4.

*Commission analysis.* The Commission's rules require that it provide a specified period for public comment, but do not prescribe the length of that period. 39 C.F.R. § 3020.53(e). Nor do they prescribe whether reply comments may be submitted. The Public Representative and Petitioner ask that the public comment deadline be extended to 30 days after the Postal Service submits its Preliminary Views. The Petitioner asks that the reply comment period be extended until December 20, 2013.

Taking the circumstances into account, including the nature of the Request, the revised procedural periods suggested by Petitioner are reasonable. Accordingly, the Commission establishes the following deadlines. Initial comments by interested persons on the Request, including responding to the Postal Service's Preliminary

---

<sup>9</sup> Petitioner's Revised Motion for Rescheduling, October 21, 2013 (Revised Motion).

<sup>10</sup> See Petitioner's Motion for PRC Order for Disclosure of Related USPS Documents, October 21, 2013 (Motion for Disclosure). Petitioner's Motion for Disclosure will be considered separately. Petitioner's request, as set forth in the Revised Motion, to revise the procedural schedule based upon whether the Postal Service provides additional documents is premature. If, in the future, document disclosure creates a need to amend the procedural schedule, parties may seek appropriate relief at that time.

Views, are due no later than November 18, 2013. Reply comments in response to initial comments are due no later than December 20, 2013.

*It is ordered:*

1. The deadline for interested persons to submit comments is extended to Monday, November 18, 2013.
2. The deadline to submit reply comments is extended to Friday, December 20, 2013.

By the Commission.

Ruth Ann Abrams  
Acting Secretary