

BEFORE THE UNITED STATES POSTAL RATE COMMISSION

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

I. DOCKET DESIGNATION:

II. TITLE:

JOSEPH B. HURWITZ, ET AL., CLASS-ACTION COMPLAINT OF WRONGFUL CHANGE OF POSTAL ADDRESS AND MOTION TO RESCIND THE "ZIP CODE BOUNDARY REVIEW PROCESS" SURVEY GUIDELINES.

III. PERSONS TO RECEIVE SERVICE:

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IV.

MEMORANDUM

Come now Complainants Joseph B. Hurwitz and Steven G. Kimbell, pro se, residents of and owners of home-based businesses in the Montgomery Village development area (the Area) of Montgomery County, Maryland, to file a "Complaint of Wrongful Change of Postal Address Based Solely on the Zip Code Boundary Review Process" on

behalf of themselves and on behalf of those of the class, **home-**
based businesses in the Area, pursuant to 39 U.S.C. 3662. (See
Appendix A. for statement supporting class-action standing,
conforming to Maryland Rule 2-231 regarding class actions.)
Attached hereto is Complainants' **Motion** to Rescind the survey
guidelines, THE ZIP CODE BOUNDARY REVIEW PROCESS.

A. In March 1991, the Postal Service (USPS) issued and
implemented the ZIP CODE BOUNDARY REVIEW PROCESS without first
submitting **same** to the Postal Rate Commission (the Commission)
for prior review, violating 39 U.S.C. sec. 3661**(b)** and **(c)**:

(b) When the Postal Service determines that there should be
a change in the nature of postal services which will generally
affect service on a nationwide or substantially nationwide
basis, it shall submit a proposal, **within** a **reasonable** time
prior to the effective date of such proposal, to the Postal Rate
Commission requesting a" advisory opinion on the change.

(c) The Commission shall not issue its opinion on any
proposal until a" opportunity for hearing on the record under
secs. 556 and 557 of title 5 has been accorded to the Postal
Service, users of the mail, and an officer of the Commission who
shall be required to represent the interests of the general
public. The opinion shall be in writing and shall include a
certification by each Commissioner agreeing with the opinion
that in his judgment the opinion conforms to the policies
established under this title.

B. Nor did the head of the agency (Marvin **Runyon**) conform to
5 U.S.C. sec. 605 by certifying the survey guidelines above and
publishing a" appropriate statement in the Register:

... the head of the agency certifies that the (proposed or
final) **rule** will not, if promulgated, have a significant
economic impact on a substantial number of small entities. If
the head of the agency makes a certification under the preceding
sentence, the agency shall publish such certification in the
Federal Register, at the time of publication of general notice
of proposed rulemaking for the rule or at the time of publication
of the final rule, along with a succinct statement explaining
the reasons for such certification, and provide such
certification and statement to the Chief Counsel for Advocacy of
the Small Business Administration.

C. Nor did USPS comply with 5 U.S.C. secs. 603 and 604; or sec. 610 (secs. 603 and 604 are summarized as follows):

Secs. 603 and 604 set forth rulemaking criteria, whenever an agency is required by sec. 553, or any other law, to publish general notice of proposed rulemaking for any proposed rule, and to provide for public comment and response to an "initial regulatory flexibility analysis," with special emphasis on possible impact the proposed rule may have on small entities. A final regulatory flexibility analysis shall follow, per sec. 604.

Sec. 610 provides for periodic review of rules, requiring each agency to publish in the Federal Register a list of rules which have a significant economic impact on a substantial number of small entities, and inviting public comment upon the rule(s).

D. THE ZIP CODE BOUNDARY REVIEW PROCESS (the Survey Guidelines), having never been promulgated as prescribed by law, exists only as memorandum, and any novel ideas contained therein have neither the effect of laws or regulations nor may be subsumed by other laws or regulations, since they lack an effective legal basis. As laws, they simply don't exist; yet through them USPS offers services contrary to statutory and regulatory laws and policies.

E. The following are some important concepts and procedures found only in the Survey Guidelines.

(1) Most important is "postal identity."

From the December 8, 1992, "MEMORANDUM FOR AREA AND DISTRICT MANAGERS, CUSTOMER SERVICES

SUBJECT: ZIP Code Boundary Review Process," first paragraph:

"As you are aware, many of the communities we serve are very interested in obtaining postal identities that reflect their municipal or perceived community boundaries. Beyond simple preferences, conflicts between postal and municipal identities are sometimes claimed to have detrimental effects on customers and municipal operations."

(2) "Postal identity" is not defined in any USPS source.

It isn't defined in the Survey Guidelines, either. Consider:
"complete address" -- Domestic Mail Manual, at 3.0, COMPLETE

ADDRESS -- "A complete address has all the address elements necessary to allow a" exact match with the current USPS ZIP+4 File to obtain the finest level of ZIP+4 code for the delivery address. A complete address may be required on mail et some automation rates ."

The DMM continues, elaborating the Elements of a complete delivery address, which includes:

- "a. Addressee name . . .
- b. Urbanization name
- c. Street number and name . . .
- d. Secondary address unit designation and number (apt. no., etc.)
- e. City and state . . .
- f. Correct 5-digit Zip Code or ZIP+4 code . . ."

(3) Is "complete delivery address" the same thing as "postal identity?" Absolutely not. A complete delivery address designates one postal customer, the geographic location of a single piece of property, and a given Zip code. Whereas, a postal identity is a boundary perimeter within which may be one or hundreds of properties. It is graphically portrayed on regional maps as a gray boundary within which are gray numbers, this area's Zip code. When combined with data from the U.S. Bureau of the Census, this area becomes a valuable "cell of commerce ," and is so advertised by USPS in its **National 5-Digit Zip Code and Post Office Directory**, which notes that when coupled with USPS' on-line product, the **TigerZip**, a valuable demographic commodity may be developed. In fact, the 5-Digit Zip Directory and its nine or more related on-line products represent a multi-million-dollar USPS product line.

(4) Since March 1991 particularly, "sing the Survey Guidelines as policy, USPS has systematically fostered the creation of numerous town-like entities (of which **Montgomery Village** is a" unfortunate paradigm) across the nation whose only legal basis is that which is given to them by a postal identity (Zip code boundary, name, and number) conferred by USPS. These "Zip-towns" appear on regional maps, boasting names and **USPS-** assigned gray Zip code boundaries and numbers. Said names ace give" parity with incorporated town names in the NATIONAL S-DIGIT ZIP CODE AND POST OFFICE DIRECTORY (the Directory), which does not distinguish unincorporated development names from incorporated town names.

(5) Such a "postal identity" may be acquired by action of just a community group, whose interests may not reflect those of the community at large (as in the case of Montgomery Village development area, where the builder and the homeowners' association, **which** it created and maintained majority voting control over through 1992, wanted a new "postal identity" in order to sell more homes, but many in the community objected to the inconvenience and cost). A "postal identity" may be acquired without (a) signed plats by land surveyor, **(b)** proof of community support (petition signed by at least 20% of area registered voters, plus owners of not less than 25% of assessed valuation of real property in the area), **(c)review** by county council and/or board of county commissioners. (**Md.** law.) Here, USPS does it all. It pays for and performs a "survey," ballots mailed (purportedly) to "all postal customers of the affected area,"

pursuant to the Survey Guidelines. In contrast, a community seeking state recognition must meet the standards (a) - (c) before a state will officially recognize and incorporate it as town or city. USPS regulates and sets policy for something (postal identity) which is not legally defined, over which it can show no basis of legal authority, violating the Tenth Amendment to the United States Constitution, which gives over to the states or to the people those powers not delegated to the federal government, specifically giving over to the states the right to manage elections on all issues, national and local, the right to set public policy, the right to recognize and establish municipalities, cities, towns, and boroughs, and to market the virtues of its counties and incorporated towns. With no legislative leave to do so, USPS entered the area identity business, setting up "postal identities" to compete with legally established "**municipal identities**" -- **giving** the various local chambers of commerce something to think about: a national city system, paid for and promoted by a federal agency.

(6) The Survey Guidelines unjustly grant an undue and unreasonable preference to developers and community groups, violating 39 U.S.C. sec. 403(c):

In providing services and in establishing classification, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such **user.**

The Survey Guidelines give over to anyone claiming to be a community group or municipal spokesperson (USPS neither confirms

nor requires in the Survey Guidelines that spokespersons provide evidence of authority) a unique right -- denied all other users of the mails -- to make a written request for a USPS paid-for survey of any incorporated, unincorporated, or "perceived" community with the intent to change its existing postal identity (Zip code boundary, and/or name, and/or number) the affirmative result of which -- based solely on identity issues, not on ~~move-~~the-mail efficiency matters (by respondent majority, e.g., 18,000 ballots, 10 responses, 8 for, 2 against: survey passes) -- automatically implements the requested change if USPS finds no absolute logistic or financial bar to said change.

(7) The only reference to "identity" that Complainants have been able to find in any USPS legal publication is at 113.21 in the DMM: "... Post offices are not established solely for community identity.. . ." The DMM makes it clear that the Zip code system is for facilitating efficient mail processing. When "identity" as an issue occurs, DMM makes it clear that post offices -- and their assigned Zip codes -- are not to be established solely for community identity, clearly proscribing USPS activities employing Zip codes for purely identity reasons. Nowhere in Title 39, the DMM, the Postal Operations Manual, or in any other legal USPS publication is the term "postal identity" to be found. It is an impermissible USPS fiction upon which it trades and which benefits USPS directly by providing necessary inexpensive changes (shifting boundaries around only costs USPS computer time; no new number assignments or post office construction) which are needed to keep and add to

Its subscriber base to hardcopies of the Directory and to the various on-line related products, the TigerZip, the ZipMove File, etc. Clearly, the financial rewards to USPS exceed the costs associated with its providing free surveys to requesting parties. USPS thereby realizes substantial benefits and rewards by trading in "postal identities," thus violating the due process clause of the Fifth Amendment to the United States Constitution in the following ways:

I. *I" Mu" v. Illinois*, 94 U.S.133; 24 L.Ed.77 (1877) --

"To impose . . . regulations upon a business not affected with a public interest (is) to deprive it of its liberty and property without due process of law."

The various home-based businesses, of which Complainants are representative of the class, are not "affected with a public interest" yet are necessarily deprived of the right to utilize business materials in which they have invested which bear last lines of address including Zip code as *indicia*, bearing their former "postal identity," Gaithersburg, MD 20879, and must now, on pain of delayed mail delivery and/or misdelivery, change said materials to reflect a new "postal identity," Montgomery Village, MD 20886.

II. In *Betts v. Brady*. 316 U.S.455; 62 S.Ct.1252; 86 L.Ed.1595 (1942) -- The Supreme Court held it to be a denial of due process to.. .

... "subject (one's) liberty or property to the judgment of a court, the judge of which has a direct personal, substantial pecuniary interest in reaching a conclusion...."

Similarly, USPS has a direct personal, substantial pecuniary interest in reaching a conclusion related to an external request

for a "postal identity" change: USPS needs changes to its Directory to maintain and add to its subscriber base (fewer changes mean materials do not age as quickly, extending the life of materials-on-hand). A third party must conduct and manage elections regarding "postal identity" issues to ensure fairness. Thus, a community group, guided by state board of elections' voting criteria, could bring the issue on a ballot initiative in a locally-run election process.

(8) According to BLACK'S LAW DICTIONARY, "Aside from all else, 'due process' means fundamental fairness and substantial justice." *Vaughn v. State*, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883. Not only does USPS unjustly benefit from improper "postal identity" changes, but so do the requesting developers or community groups, such changes favoring USPS and requesting parties, but harming all other businesses in affected areas (forcing costly changes to business materials). Such a consequence exposes USPS and requesting parties to unjust enrichment doctrine claims:

BLACK'S, 6th ed., p. 1535. Unjust enrichment doctrine. General principle that one person should not be permitted unjustly to enrich himself at expense of another, but should be required to make restitution of or for property or benefits received, retained or appropriated, where it is just and equitable that such restitution be made.... *Tulalip Shores, Inc. v. Mortland*, 9 Wash.App.271, 511 P.2d 1402, 1404.

Three elements must be established in order to sustain a claim based on unjust enrichment: A benefit conferred upon the defendant by the plaintiff; an appreciation or knowledge by the defendant of the benefit; and the acceptance or retention by the defendant of the benefit under such circumstances as to make it inequitable for the defendant to retain the benefit without the payment for its value. *Everhart v. Miles*, 47, Md.App. 131, 136, 422 A.2d 28.

(9) "Postal identities" are valuable commodities. USPS finds benefits and rewards in marketing them. Communities and municipalities find benefits and rewards in marketing them. Businesses large and small find benefits and rewards in marketing them. That which has benefits and value to be gained or lost and is not real property is necessarily personal property. According to BLACK'S, "public property" is "(s)omething in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected." It cannot be doubted that for all purposes, public and private, for contractual transference of fixed property, for purposes of voter and motor vehicle registration, for any and all banking purposes, for purposes of marketing proprietary products and services -- for all these purposes "postal identities" confer benefits and value to legal residents of geographical areas legally assigned them by USPS. "Postal identities" are surely public property. However, like any in rem property, property in which the many and the individual both enjoy rights, public property (that which is not restricted to the dominion of a private person), when incorporated in the design of a manufactured good and/or its packaging, or if utilized in a sign on commercial property, becomes personal property also. Whether "municipal" or "postal" identity, changes to such in rem properties require the agreement of the majority of the collection of individuals who share in ownership -- require, in short, a proper, legal, voting process. Changes by other means cause unjust personal property losses for those who have invested

in business materials with the belief that their utilization value would not be destroyed by an improper taking by government action. Such is the result of changes to "postal identities" incurred by requesting parties to USPS for surveys which result in said improper changes, violating the just compensation clause of the Fifth Amendment to the United States Constitution:

"... nor shall private property be taken for public use without just compensation."

(10) USPS issued the Survey Guidelines purportedly to address municipal and community complaints about a mismatch of "postal" and "municipal" identities. Why then did USPS open the category of aggrieved towns and communities to community groups, and not restrict the issue to the wider community-at-large?

"... the Zip Code Boundary Review Process was issued in March, 1991. It was designed to ensure that external requests for adjustments in postal identity receive consistent and objective analysis, and that accommodation is provided, where feasible and reasonable." --MEMORANDUM FOR AREA AND DISTRICT MANAGERS, CUSTOMER SERVICES, dated December 8, 1992.

Why did USPS in the Survey Guidelines state that if previous surveys do not show support for the requested change, this should be "noted, but they **are** not a suitable basis for denial...?" Why did USPS state that, prior to an actual USPS survey, "**some**" municipalities "may" opt to hold public hearings on the matter, and not require all requesting parties to hold public hearings? Why did USPS state:

"The criteria for evaluation of the survey responses are set in advance of the survey's distribution. A simple majority of the respondents is adequate for approval, unless more Stringent criteria are mutually agreeable"...?

Is the voting process being set in advance of the election by just the two parties who hope to benefit -- USPS and requesters?

(11) The Survey Guidelines are in fact a "stacked deck" of voting policies and procedures that powerfully bend outcomes of USPS-conducted surveys in favor of the requesters for changes and USPS, who cheerfully pays for them. In Complainants case, ballots were not sent to "all (postal) customers affected by the proposed change," which would have numbered about 26,000; rather, ballots were sent to just 12,000. No renters were permitted to vote. Three rental properties totalling 3,000 residents were accorded just three votes, thereby excluding a disproportionate number of blacks, Hispanics, and newly nationalized citizens from an election issue affecting the public interest. Thus was achieved a voter mix restricted to (primarily) white, male homeowners, disproportionately excluding women, eighteen-to-twenty-year-olds, and minorities of every sort. Since there was no "floor," respondent minimum set before passage allowed, the vote went as follows: 12,000 ballots sent, 3,315 respondents, 1,663 for change to 20886, 1,652 opposed to change (remain 20879) -- passed by eleven (11) votes. If state incorporation standards had been used, the floor would have been set at a minimum of 20% of legal voters -- even with a wrongfully down-sized number of 12,000 "eligible postal customers," the floor minimum would have been **2,400**. Instead, 1,663 postal customers were allowed to impose a "postal identity" change on a community of 34,000. Parties to this wrongful change were: USPS, the Montgomery Village Foundation, Inc. (MVFI), a homeowners' association, Todd Peter **Kristian** (TPK), Exec. V.P. of HVFI, and chief MVFI lobbyist for the change,

and Kettler Brothers, Inc. (KBI), the developer.

(12) MVFI, TPK, and KBI sent the wrongful number (12,000) of postal customer addresses to USPS, who does not verify details of submittals, nor is required to by the Survey Guidelines. The former also averred to USPS that the community affirmatively desired a "postal identity" change as requested, and that the reason for the request was recognition of "municipal" identity, even though the community is not a municipality, but is only an unincorporated development. These **averrments** are all false.

F. In response to the wrongful address change (effective January 1, 1998), Complainants formed a community group, the 20879 Is Fine! Committee, seeking reversal; their efforts culminated in the filing of a civil suit in United States District Court for the District of Maryland: **Hurwitz, et al., v. The Montgomery Village Foundation, Inc., et al., Civil Action No. DKC8:98-CV-2293 (also JFM-98-2293).** This action was dismissed January 20, 1999; a subsequent Motion for Reconsideration was denied February 4, 1999.

(1) In KBI's filing of June 24, 1998, "Memorandum in Support of Kettler Brothers' Motion to Dismiss," p. 11, their attorneys state, "According to Exhibits 2 (the Survey Guidelines) attached to the Complaint, a community group may lawfully request that the Postal Service create a new postal ZIP Code **area.**"

(2) In response to their request for regulations pertaining to external requests for change of "postal identity" USPS gave to Complainant **Hurwitz**, acting on behalf of the 20879 Is Fine! Committee, the Survey Guidelines.

(3) In (1), above, KBI attorneys **are** see” defending their client by referencing in formal pleadings to District Court what they believed to be true regulations with the effect of law, the Survey Guidelines. And in (2), above, USPS officials are seen delivering to Complainant what they believed to be a set of lawful regulations governing USPS policy. USPS attorneys, on the other hand, “ever refer to the Survey Guidelines, eve” obliquely, in their pleadings. Rather, they offered as defense the general authority USPS has regarding Zip codes and other postal matters **as give**” in Title 39, the DMM, and the POM, together with a Federal Tort Claims Act (FTCA) defense. (FTCA itself **appears** suspect, since it possibly violates the First Amendment:

“Congress shall make no law . . . abridging . . . the right of the people to petition the Government for a redress of grievances .”

FTCA is usually employed to do exactly that, witnessed by the hallmark pleading, “Plaintiff has failed to exhaust administrative remedies pursuant to FTCA.”) If the Survey Guidelines had legitimacy the Department of Justice attorneys would **no** doubt have cited it, since only in the Survey Guidelines is the notion of “postal identity” to be found, **as** are recommendations on survey design, etc. USPS publically misrepresents the Survey Guidelines as official regulations, and did so directly **to** Complainant **Hurwitz**. Since Complainants suffered damage **as a** result of this misrepresentation (see Appendix B. for itemized cost of damages of Complainants), said action constitutes actionable fraud, meeting all five criteria thereof:

I. That **a** representation made by the defendant **was false**.

II. That either its falsity was known to the defendant or the misrepresentation was made with such reckless indifference to truth as to impute knowledge to him.

III. That the misrepresentation was made for the purpose of defrauding the plaintiff.

IV. That the plaintiff not only relied on the misrepresentation but had the right to rely on it with full belief in its truth, and that he would not have done the thing from which damage resulted if it had not been made.

V. That the plaintiff actually suffered damage directly resulting from such fraudulent misrepresentation.

--MARYLAND LAY ENCYCLOPEDIA, 11., Ch. 1, sec. 1.

(4) Implementation of a survey pursuant to the Survey Guidelines is through the mails; thus, USPS commits mail fraud whenever changes to "postal identities" are made based solely on external requests for same pursuant to the Survey Guidelines, violating 18 U.S.C. sec. 1341:

Hail Fraud -- A crime in which the perpetrator develops a scheme using the mails to defraud another of money or property. This crime specifically requires the intent to defraud, and is a federal offense governed by sec. 1341 of title 18 of the United States Code. -- WEST'S ENCYC. OF AMER. LAW, Vol. 12, p. 233.

Whenever "postal identities" are changed, when legal and proper because of move-the-mail requirements, prompted by internal USPS needs, or when illegal and improper because of external requests for change for purely identity reasons based upon the legally defective Survey Guidelines, businesses of every size must bear costs of changes to business materials, which range from hundreds of dollars to over four-thousand dollars. In Complainants' case, estimated area costs to home-based businesses exceed one million dollars (\$1,000,000.00). On any given day, more than one hundred external requests for "postal identity" changes are pending, based solely on the Survey Guidelines, according to Supervisor Eric Seaberg, USPS National Customer Support Center (direct-line: 901.681.4548).

Since USPS has been making "postal identity" changes of this sort since March 1991, the nationwide burden of these improper changes is on the order of tens of millions of dollars.

(5) Pursuant to 18 U.S.C. sec. 1961:

(1) 'Racketeering activity- means . . . (B) any act which is indictable under any of the following provisions of title 18 -- . . . sec. 1341 (mail fraud); sec. 1951 (interference with commerce.. .) . . .(5) 'pattern of racketeering activity' requires at least two acts of racketeering activity, (one of which) occurred within 10 years after the commission of a prior act of racketeering activity.. . .

and, citing *Sedima, S.P.R.L. v. Imrex Co., Inc. et al.*, 473 U.S.479, 87 L.Ed. 2d 346:

No distinct 'racketeering injury' requirement is necessary to maintain a private treble damages action under Racketeer Influenced and Corrupt Organization Act (RICO); if defendant engages in a pattern of racketeering activity in a manner forbidden by section 1962 and the racketeering activities injured the plaintiff in his business or property, the plaintiff has a private claim for treble damages.

and, pursuant to 18 U.S.C. sec. 1962(b):

It shall be unlawful for any person through a pattern of racketeering activity . . . to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

Complainants cite the case of the incorporated town of Oakdale, MN, which, having annexed a part of adjacent St. Elmo, sought an adjustment of its Zip code boundary to reflect the new municipal alignment. Accordingly, it requested a change of "postal identity" pursuant to the Survey Guidelines; USPS conducted a survey; it passed, and new Zip code boundaries were implemented. Lake Elmo and Oakdale, near St. Paul, MN, are approximately 12 miles from the St. Croix county Seat of Hudson, WI, twenty minutes travel along Interstate 94. Many of the

home-based businesses there engage **in** interstate commerce. USPS employs the Survey Guidelines as a profit-making scheme on a nationwide basis, engaging in interstate commerce. The **Oakdale** "postal identity" change occurred within the last five years. Thus, the wrongful change Complainants cite in the **Montgomery** Village development area of 1998, together with the false change within the last ten years in **Oakdale**, form a basis for a **treble-**damages claim per RICO against USPS and against the non-governmental participants, KBI, **MVFI**, and TPK, for aiding and abetting (since a formal written request is necessary to trigger the formal USPS survey process pursuant to the Survey Guidelines).

(6) Such was the essential nature of Complainants' lawsuit. Complainants do not intend to return to court on appeal. Rather, they seek the following administrative remedy:

a. A return of the "postal identity" to its status prior to the wrongful change, namely, the **use** of either Gaithersburg, MD 20879 or Montgomery Village, MD 20879; the return of the Zip code boundary of 20886 from its new alignment to match the perimeter of the Montgomery Village development area (approximately) to its former alignment as circumference about the Montgomery Village Branch Gaithersburg Post Office and to its reassignment as postal box Zip code exclusively.

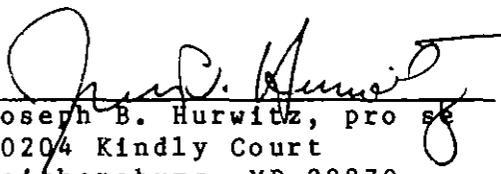
b. Letters sent to postal customers notifying them of the change.

G. Complainants ask that the Survey Guidelines be rescinded not only because they were illegally implemented and are illegal

in numerous ways, as cited in **this** complaint, but also (apart from giving over to USPS the authority to conduct "surveys" -- elections -- and giving over to community groups the right to request surveys seeking "postal identity" changes, and permitting USPS to manipulate Zip code boundaries for purely identity purposes (creating "postal" or "Zip" **towns**)), because they are utterly superfluous: Complainants cite MI PO-410-92-1. dated **1/6/92**, Management Instruction entitled "Zip Code Authorization and Assignment," in which rules governing Zip code boundary changes, requests for changes by "municipal officials," and procedures to be **followed** and adhered to are legally promulgated. Here, set forth in proper format, is a comprehensive set of regulations accompanied by all necessary forms for their correct utilization. Thus, there is no need for the illegal memorandum, the ZIP CODE BOUNDARY REVIEW PROCESS.

For all of the foregoing reasons, Complainants Joseph B. Hurwitz and Steven G. Kimbell, pro se, request that this Honorable Commission grant the administrative remedy that they seek.

Respectfully submitted,

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BEFORE THE UNITED STATES POSTAL RATE **COMMISSION**
MOTION TO RESCIND THE ZIP CODE BOUNDARY **REVIEW** PROCESS

Come now the Complainants, Joseph B. Hurwitz and Steven G. Kimbell, pro se, to file the above-captioned motion, and as reasons **therefor** state:

I. The ZIP CODE BOUNDARY REVIEW PROCESS (the Survey Guidelines) is a memorandum set of regulations issued and implemented in March 1991 as legal USPS policies and rules, violating 39 U.S.C. **secs. 403(c)** and 3661(b) and (c); and 5 U.S.C. **secs. 603, 604, 605, and 610.** The Survey Guidelines violate the due process clause as well **as** the just compensation clause of the Fifth Amendment to the United States Constitution; the Tenth Amendment to the United States Constitution; 18 U.S.C. sec. 1341 (mail fraud); 18 U.S.C. **secs. 1961 and 1962(b)** (RICO -- for multiple acts of mail fraud committed within ten years). (See foregoing Complainants' Memorandum to their Complaint of wrongful address change for further details, as well **as** the related civil suit filed in United States District Court District of **Maryland**, Hurwitz, et al., v. the Montgomery Village Foundation, Inc., et al., Civil Action No. **DKC8:98-CV-2293** (dismissed January 20, **1999**).)

II. The Survey Guidelines are superfluous, unnecessarily duplicating Management Instruction PO-410-92-1, issued **1/6/92**, entitled "Zip Code Authorization and Assignment."

Respectfully submitted,

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JOSEPH B. HURWITZ, et al.

Plaintiffs,

v.

THE MONTGOMERY VILLAGE
FOUNDATION, INC., et al.

Defendants.

IN THE

CIRCUIT COURT

FOR

MONTGOMERY COUNTY,
MARYLAND

Case No. 186830 CIVIL

**AMENDMENT TO MAINTAIN PLEADING AS A CLASS ACTION IN CONFORMANCE
WITH MARYLAND RULE Z-231.**

Come now the Plaintiffs, Joseph B. Hurwitz and Steven C. Kimbell, pro se, and move this Honorable Court to maintain their pleading of Complaint as a class action pursuant to Maryland Rule Z-231 and state as reasons therefor:

1. Pursuant to Maryland Rule Z-231, " (a) **Prerequisites to a class** action. One or **more** members of a class may sue . . . as representative parties on behalf of all only if (1) the class is so **numerous** that joinder of all members is impracticable ---

A. Plaintiff Joseph B. Hurwitz maintains a home-based business as artist/inventor; Plaintiff Steven G. Kimbell maintains a home-based business as computer consultant and manager for the musical group, the Jim Bowie Band. (See Plaintiffs' **Opposition** to notion to Dismiss, p. 3.. for itemized costs of damage to their businesses due to improperly and fraudulently imposed changes to their businesses' last lines of address including Zip code.)

B. A home-based business, regardless of its **nature**, be it artist, consultant, writer, etc., has one **common** aspect: the business and residence addresses are the same. The costs attendant upon the change of a last line of address including Zip code will vary from hundreds of dollars **to over \$3,000.00** to effect those

necessary changes to business materials, such as business cards, checks, invoices, contracts, patents, fliers, brochures, mailers, binders, display materials, banners, signs, etc., varying business to business, depending on capital investment in same. There are hundreds of home-based businesses in the affected Mont. Village development area, which makes joinder of all impracticable.

2. There are questions of law **or** fact **common** to the class --

A. All members of the class, home-based businesses in the **Mont.** Village development area, oppose changes to a last line of address because of (a) out-of-pocket costs to change business materials, (b) appearance of business instability, (c) frequent address changes adversely affect credit worthiness, and (d) allocation of business hours to update customer/vendor data bases is substantial, since home-based businesses usually lack administrative staff.

B. Because home-based businesses are in fact at the place where the proprietor resides, their families reside there **as** well, usually another adult spouse. Because the USPS survey on the last line of address including Zip code **was** in fact conducted according to homeowners association rules, one property owner, one vote and not according to USPS rules, one postal customer, one vote, many qualified postal customers at many of the home-based businesses did not have a" opportunity to vote. Plaintiffs' Complaint in fact addresses **common** causes of action shared by the class, home-based **businesses** in the affected Mont. Village development area. Hence,

3. The claims . . . of the representative parties are typical of the claims . . . of the class, **as** stated above. And,

4. The representative parties will fairly and adequately protect the interests of the class:

A. As stated in Plaintiffs' Complaint p. 8, paragraph C. "... and that a fund of Two-hundred-fifty thousand Dollars (\$250,000.00) be paid into the court to satisfy damages sustained by other plaintiffs of the same class "

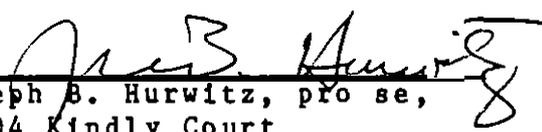
B. And paragraph D. "Punitive damages be awarded to the plaintiffs against the defendants herein, individually and severally, in the amount of Two Million Dollars (\$2,000,000.00)...."

C. And paragraph E. "And for such other and further relief as it may seem to this Honorable Court that justice may require....,"
Plaintiffs have taken and will continue to take a position to fairly and adequately protect the interests of the class of home-based businesses in the affected area.

D. Further, Plaintiffs state that (1) the prosecution of separate actions by . . . individual members of the class would create a risk of (A) inconsistent or varying adjudication with respect to individual members of the class that would establish incompatible standards of conduct for the parties opposing the class.

For these reasons, Plaintiffs Joseph B. Hurwitz and Steven G. Kimbell respectfully request that this Honorable Court allow their Complaint to be maintained as a class action, according to Maryland Rule 2-231.

Respectfully submitted,

By: 
Joseph B. Hurwitz, pro se,
10204 Kindly Court
Gaithersburg, MD 20879
301.948.0580

By: 
Steven G. Kimbell, pro se,
19359 Keymar Way
Gaithersburg, MD 20879
301.258.9382

ITEMIZATION OF DAMAGES, I. JOSEPH B. HURWITZ

I. Joseph B. Hurwitz. Business: artist/inventor. Itemized cost of change of identity of last line of address including Zip code:

1. (a) To line of "Inventor's" address on each of three Design Patents (Des. 305,964; Des. 353,489; Des. 354,626) -- under Rule 183, U.S. Patent Off.: Petition, \$130.00; Certificate of Correction, \$100.00 -- total for changes to three cited patents: \$690.00.
(b) To revise Fact Sheets, letterhead, etc. -- \$50.00
COST TO PROPRIETARY BRUSH LINE BUSINESS: \$790.00
2. Artist's Business cards: art, \$75.00; 1,000 cards printed one color, \$85.00. (Sit Speedy quotation of 6/30/98.)
COST TO FINE ART BUSINESS: \$160.00
TOTAL COSTS OF LAST LINE OF ADDRESS CHANGE: \$900.00.
3. Plaintiffs' Exhibit 7.:

Copies of the first page of each patent cited above, copies of national catalogue test sheets, product-line fact sheets, and letterhead attesting to the commercialization of inventions; a Copy of Bio/show list and an original business card attesting to Plaintiff Joseph B. Hurwitz' home-based business of artist/inventor.

ITEMIZATION OF DAMAGES, II. STEVEN G. KIMBELL

II. Steven G. Kimbell. Business: computer consultant; manager for musical group, the Jim **Bowie** Band. Itemized costs of change of identity to last line of address including Zip code:

1. Banner for band, \$125.00; 2. Trade show display - Header **pc.**, \$165.00; Letterhead, business cards, envelopes, \$967.00; Update to The Wedding Pages web site (Fixed Fee), \$50.00; Replacement 3 panel brochures (5000 **qty**), **\$1,225.00**; Replacement checks from Chevy Chase Bank, \$75.19 -- TOTAL: \$2,607.19.

2. Plaintiffs' Exhibit 8. The following materials attest to Plaintiff **Steven** G. Kimbell's home-based business of computer consultant and manager for the Jim Bowie Band:

A. Letterhead and envelope; 8. contract; C. business card.

Management Instruction

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NPLCA

Date Issued 1/9/92	Filing Number PO-410-92-1
Effective Date Immediately	Obsolescence MI PO-410-92-3 (5-21-92)
Originating Organization & OCC Code Office of Address and Customer Information Systems CS100	
Title ZIP Code Authorization and Assignment	Signature & Title <i>Patricia M. Libert</i> Patricia M. Libert Assistant Postmaster General Customer and Automation Service Dept.

Z-4

I. Purpose

This instruction provides procedures for authorizing and assigning 5-digit ZIP Codes. Any changes that affect the Postal Operations Manual (POM), Domestic Mail Manual @MM), or Handbook DM-113 Post Office Discontinuance Guide will be published in the next revision to these directives.

II. Scope

A. Definitions

1. Postal Area ZIP Code. A postal area

ZIP Code is a 5-digit ZIP Code assigned to postal facilities, box sections, caller service, vertical improved mail (VIM) units (building), military installations, and delivery areas. If the ZIP Code is for carrier delivery only, it is known as a delivery area ZIP Code.

2. Post Office Box ZIP Code. A post office box ZIP Code is a 5-digit ZIP Code assigned exclusively to post office boxes.

3. Unique ZIP Code. A unique ZIP Code is any 5-digit ZIP Code that is assigned exclusively to a single firm, government agency, or their equivalent.

4. Firm ZIP Code. A firm ZIP Code is a 5-digit ZIP Code that is shared by customers who use prebarcoded FIM A (Courtesy Reply) or FIM C (Business Reply) mail. Such ZIP Codes usually facilitate distribution on automated equipment.

5. Address Management System (AMS). AMS is an integrated database at the San Mateo Postal Data Center, which is maintained by the local address information systems unit (AISU). It is the official source of address information for ZIP + 4, Carrier Route Information System (CRIS), and 5-digit ZIP Code and city-state schemes and directories.

B. Application

These guidelines apply to each of the four types of 5-digit ZIP Codes described in II-A-1 through 4.

III. Long Range Studies and Annual Reviews

A. Long Range Studies

1 .**General.** Before any ZIP Code can be authorized or assigned, the managers of the address information systems units (**AISUs**) at the management sectional centers (and the address programs support offices in the divisions) must prepare a long range study of ZIP Codes in their area and keep it on file at the AISU (or division **office**). This long range study requires the input of the delivery **office** managers and must give particular emphasis to all existing and potential multi-coded 5-digit ZIP Code offices so that growth patterns can be planned and established. This includes 5 year and 20 year projections in areas that could be **affected**. This planning approach will stabilize **5-digit** ZIP Code areas and assist in reducing constant changes in city schemes. Any plan of action must not destroy the integrity or stability of the 5-digit ZIP Code system.

2.**Unique** and Firm 5-Digit ZIP Codes.

The long range plan must address the potential use and availability of unique and shared firm ZIP Codes.

Distribution Standard distribution plus 5 copies each to address information systems unit at the MSCs and address programs support office at the divisions.	Special Instructions Organizations listed under Distribution may order additional copies from the material distribution centers. Use Form 7380, MDC Supply Requisition, and specify the filing number. You may redistribute this document by photocopying it, but do not paraphrase or otherwise revise it.
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B. Annual Reviews

1 .**General.** Delivery office managers should review their distribution and delivery capacities annually to determine the need for adjustments to the long range plan, such as realignment or establishment of 5-digit ZIP Code areas.

2.**Unique** and Firm 5-Digit ZIP Codes.

Delivery office managers should review existing unique and shared firm ZIP Code volumes each year and examine those that are no longer justified for possible discontinuance.

IV. Postal Facility Status Changes and Boundary Realignment

A. Postal Facility Status Changes

1. **General.** Establishing, closing

(discontinuing). and consolidating post offices, branches, stations, and community post offices (CPOs) may result in 5-digit ZIP Code changes.

2. **Establishment.** Establishment of new

post offices requires concurrence by the regional postmaster general and approval by the Senior Assistant Postmaster General, Operations Support Group. Regional postmasters general or their designees have authority to approve the establishment of classified stations and branches and contract units where needed within the service areas of post offices. However, approval authority may not be delegated below the management sectional center (MSC) manager level.

3. **Discontinuance** and Consolidation

a. When appropriate approval has been obtained to discontinue or consolidate a post office, station or branch, or CPO, any proposed 5-digit ZIP Code change is reviewed and approved as part of the

regional and Headquarters review of the entire proposal (see DMM 113 and Handbook DM- 113). ZIP Code retention requests must be approved in writing by the Headquarters **Office** of Address and Customer Information Systems prior to the 60 day posting of a proposal to close or consolidate a post office. Retention of a ZIP Code is normally based on operational justifications.

b. All post office names discontinued after March 14, 1977, are monitored by the **Office** of Address and Customer Information Systems and listed in an appropriate manner in Publication 65, National Five Digit ZIP Code and Post **Office** Directory.

B. Boundary Realignment

1. General

a. **Realignment** of 5-digit ZIP Code area boundaries should minimize the number of customer addresses affected and should be consistent with current and future mail processing needs. Municipal boundaries and customer interests must be considered in all ZIP Code boundary adjustments. When adjusting ZIP Code boundaries, if the present or proposed ZIP Codes cross municipal boundaries, consult the municipal officials prior to submitting the proposal. This consultation must be documented in the **5-digit** ZIP Code documentation (see Attachment A).

b. Do not transfer any portion of a delivery area smaller than a ZIP+4 segment from one carrier or delivery unit to another.

2. Authorization. Field division general managers/postmasters may approve requests for minor 5-digit ZIP Code boundary realignments within their division. A minor realignment is defined as an area affecting less than one quarter of the total deliveries in the ZIP Code that will be losing deliveries. Handle areas larger than those described by using the procedures in this instruction pertaining to postal area ZIP Codes. ZIP Code boundaries may not be realigned to cross state boundaries. City delivery carrier routes must be adjusted if boundary changes would result in the carrier serving more than one ZIP Code. When ZIP Code boundaries are adjusted, municipal boundaries and customer preference must be a factor in the adjustment.

3. Reporting. The AISU must notify the Office of Address and Customer Information Systems of all boundary adjustments. OACIS will communicate this information to the mailing industry.

V. Assignment Criteria for New ZIP Codes

A. General

Establishment of **5-digit** ZIP Code area boundaries should minimize the number of customer addresses affected and should be consistent with current and future mail processing needs. Municipal boundaries and customer interests must be considered in all zone splits. When adjusting ZIP Code boundaries,

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if the present or proposed ZIP Codes cross municipal boundaries, consult with the municipal officials prior to submitting the proposal. This consultation must be documented in the 5-digit ZIP Code documentation.

Note: Do not transfer any portion of a delivery area smaller than a ZIP+4 segment from one carrier or delivery unit to another.

B.Splitting Zones

1.**Sectors.** When high growth is experienced in a postal area ZIP Code, monitor the impact of the growth upon ZIP+4 sector and segment assignments. When 70 of the available 100 sectors have been assigned, give consideration to splitting the **5-digit** zone. Possible actions include assigning unique **5-digit** ZIP Codes to high volume **firms** and other postal areas as described in this instruction or splitting the zone. A section of geography, described in the definition of a postal area ZIP Code, may include unique ZIP Codes, or **firm** ZIP Codes, but may not include another delivery area ZIP Code (overlaid **5-digit** ZIP Code).

2.**Routes.** In general, carrier routes should not cross 5-digit boundaries. Route adjustments must be made in advance of or in conjunction with the zone split to resolve situations where existing city delivery carrier routes would be caused to cross 5-digit boundaries as the result of a zone split.

C.New Facilities

When new facilities are constructed with post office box sections of 500 or more post office boxes, one or more **5-digit** ZIP Codes may be assigned to the post office box sections.

D.Increased Growth

When the delivery **office** manager or AISU manager becomes aware of construction of a new development (housing subdivision, business complex, etc.), the AISU manager will coordinate the assessment of its impact on mail processing and delivery requirements and municipal boundaries. The delivery **office** manager or the AISU manager should obtain street names and house numbers within the new development from the proper addressing authority, such as the local planning board, city map department, county engineer, developer, utility company, or the municipality.

E. Unique ZIP Codes

1.**Prior Review and Analysis.** ▪ Each proposed unique 5-digit ZIP Code assignment must receive a thorough review and analysis by City Operations, Operations Support/Services, and when appropriate, Field Operations before any discussions with the affected **firm**. Do not suggest a unique 5-digit ZIP Code to a **firm** without concurrence by these functional areas. Unique **5-digit** ZIP Codes must be fully justified and should be assigned only when unique ZIP+4 codes will not satisfy delivery, distribution, or customer requirements.

2.**Minimum Volumes.** ▪ Do not assign a unique **5-digit** ZIP Code to any firm or its equivalent which receives less than an average daily volume of 1,000 letter-sized pieces. Furthermore, this minimum does not necessarily justify assignment of a unique 5-digit ZIP Code. In large cities where numerous firms may meet the minimum requirements, the value of unique **5-digit** ZIP Code assignments must also be based on the availability of 5-digit ZIP Codes (long range considerations) and the relative densities or proposed separations versus necessary primary separations.

3.**Elimination of One Piece Handling.** All unique 5-digit ZIP Code assignments must eliminate at least one piece handling for a majority of the **firm's** mail. City Operations at the office involved will review the proposal and determine the impact the assignment of the unique ZIP Code will have on its functions. They will also identify any savings of hours that can be realized by assignment of the unique ZIP Code.

4.**Addressing Requirements.** An address line is required for all unique **5-digit** ZIP Code assignments. The **address(es)** used must be in compliance with the addressing guidelines as published in the most

recent version of Publication 28, Postal Addressing Standards.

5. Postage Due/Business Reply Mail

Unique **5-digit** ZIP Codes may not be used for a **firm's** postage due/Business Reply mail unless the ZIP Code will be used exclusively for that type of mail. Instead, assign ZIP+4 codes to this type of mail in a 5-digit ZIP Code other than the unique 5-digit ZIP Code.

6. Mail Acceptance by Firm. After a **firm** or its equivalent is assigned a unique **5-digit** ZIP Code, it should generally accept all mail in bulk without additional

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separation by the Postal Service. Officials of the firm should agree to this arrangement in writing. No commitments on alternatives to bulk delivery may be made without regional review and Headquarters approval. A letter of intent from the firm or agency should be included in the proposal package.

F. Shared Firm ZIP Codes

1. **Prior Review and Analysis.** Each proposed shared **firm** ZIP Code assignment must receive a thorough review and analysis by City Operations and Marketing and Communications before any discussions with the affected firms. Do not propose a shared firm ZIP Code without full understanding and concurrence by these functional areas.

2. **Addressing Requirements.** All shared **firm** ZIP Code participant mail must be prebarcoded FIM A (Courtesy Reply) or FIM C (Business Reply) and meet the prebarcoded mail specifications in DMM 550. In many **firm** ZIP Codes, only a portion of the **firms'** mail is received in the **firm** ZIP Code. In these situations, post office box addressing is recommended to avoid customer confusion between the **firm** **5-digit** ZIP Code used for reply mail and the **5-digit** ZIP Code used for the **firms** physical address. All addresses used by the firms must be in compliance with the addressing guidelines as published in the most recent version of Publication 28, Postal Addressing Standards.

3. **Impact on Postal Operations.** City Operations at the **office** involved will review the proposal and determine the impact the assignment of the firm ZIP Code will have on its operations. City Operations will also identify any savings of hours that can be realized by assignment of the **firm** ZIP Code.

VI. ZIP Code Number Selection

A. Postal Area ZIP Codes

At offices with unique 3-digit ZIP Code prefixes, assign delivery area and post office box **5-digit** ZIP Codes in ascending numeric sequence where possible. When assigning **5-digit** ZIP Codes to associate offices that do not have unique 3-digit ZIP Code prefixes, assignments should relate in numeric sequence, where possible, to a **5-digit** ZIP Code of the delivery office.

B. Unique and Firm ZIP Codes

At offices with unique 3-digit ZIP Code prefixes, assign 77 unique and firm **5-digit** ZIP Codes in descending numeric sequence where possible. When assigning unique and firm **5-digit** ZIP Codes to **firms** served by associate offices that do not have unique 3-digit ZIP Code prefixes, assignments should relate in numeric sequence, where possible, to a **5-digit** ZIP Code of the delivery office.

VII. Required Documentation

A.General

All **5-digit** ZIP Code assignments, including those resulting from Headquarters approved post office closings or consolidations, must be reported on Form 1362. Post Office Status Change Report (see Attachment B) and, when appropriate, the **5-digit** ZIP Code documentation. These documents should be prepared by the AISU manager.

Note:Reporting for closings or consolidations must be in compliance with DMM 113 and Handbook DM-113.

B.Submission and Implementation Dates

1 .Postal Area ZIP Codes

a.Submission. Proposals for delivery area 5-digit ZIP Code changes or assignments should be processed and submitted throughout the year by the division to the appropriate region. Proposals received at the region by December 1 will be considered for official implementation on July 1 of the following year. Regions must transmit proposals to Headquarters by February 1 for them to be considered for implementation the following July 1. Submission of all required information and materials by these dates is essential to provide sufficient time for regional and Headquarters review, public notification, and AMS file maintenance.

b.Implementation. The implementation date for postal area ZIP Codes is July

1 .This is done to foster stability in the ZIP Code system. Operationally, the summer months have low volume, and it corresponds to the production cycle of Publication 65.

2.Post Office Box ZIP Codes

a.Submission. There are no submission deadlines for proposals to assign post office box ZIP Codes. AISU managers should be familiar with the 5 year facilities plan in order to assess the proper lead time necessary to prepare ZIP Code pro-

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posals for new post office box sections.

However, a minimum of 30 to 60 days should be provided between the announcement of an approved post office box ZIP Code and the effective date of the implementation in instances where existing customers will be required to change their ZIP Code or post office box number.

b.Implementation. After receipt of Headquarters approval. **5-digit** ZIP Codes assigned to post office box sections become effective as determined by the division general manager/postmaster.

3.Unique and Firm ZIP Codes

a.Submission.There are no submission deadlines for proposals to assign unique and **firm** ZIP Codes. **b.Implementation.** Implementation should be started upon receipt of the signed Form 1362. Post Office Status Change Report.

C.Postal Facility Status Change

1. Effective Dates. After any postal facility status change (i.e. change of a branch name, discontinuance of a post office. etc.), has been approved by the appropriate organizational level, the AISU manager will complete the Form 1362 and send it to:

OFFICE OF ADDRESS AND CUSTOMER
INFORMATION SYSTEMS
USPS HEADQUARTERS
475 L'ENFANT PLZ SW RM 7801
WASHINGTON DC 20260-5902

at least 45 days before the proposed effective date. Otherwise, the effective date will be 30 days after the date of announcement in the next Postal Bulletin. Postal facility changes not requiring ZIP Code changes are effective 30 days after announcement in the Postal Bulletin.

2. AMS Changes. Changes should be incorporated into AMS upon approval, consistent with the effective date.

3. List of Discontinued PO Names. All post office names discontinued after March 14, 1977 are listed in an appropriate manner in Publication 65, National Five-Digit ZIP Code and Post Office Directory.

D. Form 1362, Post Office Status Change

Report, and 5-Digit ZIP Code Documentation

1. **General.** Form 1362 (see Attachment B) must be submitted for all 5-digit ZIP Code and facility status change proposals. All proposals must have the Form 1362 heading completed. If a ZIP Code is being established, Form 1362 section A must be completed. If a facility is being established, a post office discontinued, an amendment or rescindment to a Postal Bulletin, or if city delivery is being established, Form 1362 sections B through F, accordingly, must also be completed. The **5-digit** ZIP Code documentation package (see Attachment A) must have sections A. General and B. Mail Distribution Issues completed for all proposals. No 5-digit ZIP Code request will be considered unless all pertinent information is included. The data for these proposals may also provide assistance in developing information for S-digit ZIP Code changes in post office closing and consolidation proposals.

2. Postal Area and Post Office Box ZIP Codes. The specific data in the 5-digit ZIP Code documentation package, sections C, Delivery Area ZIP Codes, and/or D, Post Office Boxes, must be submitted with requests for postal area 5-digit ZIP Codes. No 5-digit Zip Code request will be considered unless all pertinent information is included.

Note: If the request is for post office boxes only, section C need not be completed.

3. Unique ZIP Codes. The specific data in the 5-digit ZIP Code documentation package, section E, Unique ZIP Codes, must be submitted with requests for unique ZIP Codes. A letter of intent **from the firm** or agency should be included in the proposal package. The letter should: (a) state the firm or agency agrees to accept all mail addressed to the unique ZIP Code in bulk, and (b) describe how and when the **firm** or agency plans to implement the unique ZIP Code. No **5-digit** ZIP Code request will be considered unless all pertinent information is included.

4. Firm ZIP Codes. The specific data in the 5-digit ZIP Code documentation package, section F, Firm ZIP Codes, must be submitted with requests for shared firm ZIP Codes. No 5-digit ZIP Code request will be considered unless all pertinent information is included.

VIII. Authorization and Approval

A. General

1. **Preparation.** All 5-digit ZIP Code assignments, including those resulting from Headquarters approved post office closings or consolidations, must be reported on Form 1362 and, when appropriate, the

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5-digit ZIP Code documentation. The AISU manager should prepare these documents.

2. Concurrence. If the request is for a ZIP Code at an MSC, the MSC AISU manager, the MSC director, City or Field Operations, Operations Services, and the MSC manager must concur with it. If the request is for a ZIP Code at a division Office, the director, City or Field Operations, and the **field** director, Operations Support must concur. At the field division, Address Programs Support and the division general manager must concur with **all** requests.

3. Regional Action. The proposal will then be sent to the regional director, Operations Support, for review and concurrence. The region will transmit the proposal to Headquarters for final review and approval.

4. Reference. Reporting for closings or consolidations must be in compliance with DMM 113 and Handbook DM- 113.

B. Division and MSC

Field division general managers/postmasters, MSC managers/postmasters and other **field** officials must not assign or change **5-digit** ZIP Codes without regional and Headquarters review and approval.

Note: See IV.B.2 for authorization for boundary realignments.

C. Regions

1. Regional directors, Operations Support, are administratively responsible for coordination and review of **5-digit** ZIP Code proposals within their area of responsibility.

2. Regions may request the long range ZIP Code plan as they determine necessary, as part of their coordination and review of **5-digit** ZIP Code proposals.

3. Regions must review and make recommendations on new **5-digit** ZIP Code assignments for divisions within their geographic area of responsibility. Once the regional review is complete, directors, Operations Support, will submit ZIP Code proposals with their concurrence for final review and approval to:

OFFICE OF ADDRESS AND CUSTOMER
INFORMATION SYSTEMS
475 L'ENFANT PL. SW RM 7801
WASHINGTON DC 20380-8902

4. After a ZIP Code has been approved by Headquarters, the regions are responsible for monitoring the implementation, service benefits, and cost savings associated with the new ZIP Code and must consider these savings in future budget allocations. Savings associated with ZIP Code assignments will be required to be submitted as part of the yearly field budgets.

D. Headquarters

1. The **Office** of Address and Customer Information Systems will coordinate the review of the proposal with the Office of Delivery and Retail Management and the **Office** of Distribution Operations and Networks.

2. Headquarters Office of Address and Customer Information Systems is responsible for the accurate and timely announcement of ZIP Code changes to internal postal operations employees and postal customers. This is done through articles in the Postal Bulletin entitled Post **Office** Changes and through

notification to other Headquarters departments, (for example, the **Office** of Rates and Classification must be notified on all 3-digit ZIP Code change proposals).

Note: Unique and **firm** ZIP Codes are not announced in the Postal Bulletin; however, other Headquarters departments will be notified if approval of a **firm** or unique ZIP Code will have an affect on their operation.

3. OACIS will return approved or denied ZIP Code proposals to the appropriate region for transmittal to the division.

IX. Implementation

A. General

Once Headquarters approval is received for a ZIP Code assignment or change, the field division general manager/postmaster must proceed with implementation for the approved date. Implementation of shared firm ZIP Codes may proceed. (Exception: In the case of the post **office** closings and consolidations, see Handbook DM-113 and DMM 113.) Until an approved Form 1362 is received from Headquarters (or a post office change is published in the Postal Bulletin), S-digit ZIP Code changes cannot be announced.

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B. Postal Area and Post Office Box

1. AISU Manager

a. The AISU manager must coordinate implementation with Marketing and Communication and City or Field Operations to ensure maximum cooperation of customers and local government officials.

Residents and local mailers must be notified of the new 5-digit ZIP Code at least 30 days in advance of the effective date.

b. The AISU manager must perform AMS file maintenance in a timely manner to ensure updated information appears in the multiline OCR directories, barcode sort programs, and all address information Systems products. In postal area ZIP Codes, in order to minimize internal and external customer confusion, old entries should be deleted in the same time frame as the new entries are made. This prevents the data from appearing in both the old and new ZIP Code areas.

c. The AISU manager must immediately provide all approved **5-digit** and ZIP+4 changes (additions or deletions) to the **official** responsible for maintaining directories and sort plans for automated equipment (optical character reader and barcode sorters). A ZIP translate table form must be submitted to Headquarters

OACIS when appropriate. See the letter of instructions from Headquarters Automation Team to address programs support and address information systems managers dated S-8-89.

2. Postmaster. A postmaster may not announce **5-digit** ZIP Code area changes to the general public, mailing industry, or media until notification has been received from the **Office** of Address and Customer Information Systems, USPS Headquarters, that the new ZIP Code has been approved.

3. Local Mail Processing Manager. The local mail processing managers must ensure that automation and mechanized and manual distribution operations are prepared to respond to the use of the new ZIP Code.

C. Unique and Firm ZIP Code

1. AISU Manager

a. After approval by Headquarters, unique and firm 5-digit ZIP Codes become effective as determined by the field division general manager/postmaster or MSC manager. The AISU manager must coordinate the firm's notification of the effective date of implementation sufficiently in advance for the firms to correct or order envelopes, etc., with the new 5-digit ZIP Code.

b. The AISU manager must perform AMS file maintenance in a timely manner to ensure updated information appears in the multiline OCR directories, barcode sort programs, and all address information systems products which contain reference to unique and firm ZIP Codes.

c. The AISU manager must immediately provide all approved 5-digit and ZIP+4 changes (additions or deletions) to the official responsible for maintaining directories and sort plans for automated equipment (optical character reader and barcode sorters). A ZIP translate table form must be submitted to Headquarters OACIS when appropriate. See the letter of instructions from Headquarters Automation Team to address programs support and address information systems managers dated 8-8-89.

2. Postmaster. For unique ZIP Codes, the postmaster will advise the firm that the assigned number cannot be used for Postage Due/Business Reply mail unless specifically authorized for that purpose. The postmaster is expected to monitor compliance with this requirement annually. For shared firm ZIP Codes, the postmaster will advise the firms which type of mail (Courtesy and/or Business Reply) will be used in the firm ZIP Code and monitor compliance with established requirements annually.

3. Local Mail Processing Manager. The local mail processing managers must ensure that automation and mechanized and manual distribution operations are prepared to respond to the use of the new ZIP Code.

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5-Digit ZIP Code Documentation

Please print or type the required information in the spaces indicated.

1. Post office name _____ State _____
2. Name of existing facility _____
3. Current ZIP Code _____
4. Proposed ZIP Code(s) _____
5. Was the proposed number previously assigned? Yes No
If yes, how long has it been unassigned? _____
6. Proposed facility or firm name _____
7. Number of inactive 5-digit ZIP Codes remaining in the 3-digit area _____
Note: Pending requests are considered active.

1. Please mark any equipment for which Mail Processing will provide a separation for the new ZIP Code.

<input type="checkbox"/> Optical character reader	<input type="checkbox"/> Flat sorting machines
<input type="checkbox"/> Barcode sorter	<input type="checkbox"/> Manual sorting case
<input type="checkbox"/> Letter sorting machines	
2. Where are the following types of mail currently processed (facility name, city, and state)?

Primary machineable/readable _____
Primary manual _____
Secondary machineable/readable _____
Secondary manual _____
3. Where will the mail for the proposed ZIP Code be processed (facility name, city, and state)?

Primary machineable/readable _____
Primary manual _____
Secondary machineable/readable _____
Secondary manual _____
4. Will this ZIP Code be a service improvement only? Yes No
5. Will this ZIP Code eliminate one or more piece handlings? Yes No
If yes, complete the savings worksheet on the following page. If no, go on to Part C.

November 1991

Attachment A, 5-Digit ZIP Code Documentation

PO-418-92-1

Attachment B



Post Office Status Change Report

Post Office Undergoing Status Change			
Post Office Name		NCD	
Name	ZIP Code	Franchise Number	Division
County/State		Region	

A. <input type="checkbox"/> Establish New ZIP Code: _____		1. Facility Name	
2. ZIP Code Type		3. Unique: Will mail be received in both? <input type="checkbox"/> Yes <input type="checkbox"/> No	
a. <input type="checkbox"/> Delivery Area: Will PO become multi-branch? <input type="checkbox"/> Yes <input type="checkbox"/> No		4. <input type="checkbox"/> Flag: Should this ZIP be what mail type? <input type="checkbox"/> BFM <input type="checkbox"/> ODM	
b. <input type="checkbox"/> PO Box: No. of PO boxes in new ZIP: _____		5. <input type="checkbox"/> Flag: Should this ZIP be what mail type? <input type="checkbox"/> BFM <input type="checkbox"/> ODM	
3. Last Line Name for ZIP Code		4. Number of Unusual ZIP Codes in This 3-Digit Area	
5. Average Daily Workload/Average Daily Dollar Amount		6. Service Improvement City	
<input type="checkbox"/> Saved <input type="checkbox"/> Avoided _____ \$		<input type="checkbox"/> Yes <input type="checkbox"/> No	
7. <input type="checkbox"/> OK: Date of Change/Availability		8. _____	
B. <input type="checkbox"/> Establish Facility		1. Name	
2. Facility Type		3. Effective Date	
<input type="checkbox"/> Classified Station <input type="checkbox"/> Covered Station <input type="checkbox"/> Classified Branch <input type="checkbox"/> Contract Branch <input type="checkbox"/> MD Unit <input type="checkbox"/> Other		4. Effective Date	
C. <input type="checkbox"/> Establish City Delivery in Previous NCD Office		1. New Government or Other Consideration Award	
D. <input type="checkbox"/> Discontinue Post Office <input type="checkbox"/> Conversion <input type="checkbox"/> Close		2. Effective Date of Closing/Conversion	
3. Reason as Place Name? <input type="checkbox"/> Yes <input type="checkbox"/> No		4. Reason ZIP Code? <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. New Administrative Post Office		6. Facility From Which Mail Will be Delivered	
a. Post Office Name (City, State, ZIP)		A. <input type="checkbox"/> Main Office <input type="checkbox"/> Classified Station <input type="checkbox"/> Classified Branch <input type="checkbox"/> CPO	
7. County		8. New Last Line for Address (City, State, NEW ZIP Code)	
9. Franchise Number		9. _____	
10. Government/Other Person Name		11. Effective Date	
12. _____		13. PS number	
E. <input type="checkbox"/> Discontinue ZIP Code: _____		14. Date	
F. <input type="checkbox"/> Amend/Rescind Postal Bulletin		15. _____	
16. _____		17. _____	

G. Comments

H. Approvals		
1. MEG	2. Division	3. Position/Responsibility
a. MEG: Mgr. (Signature & Date)	a. Div. Mgr. /PS (Signature & Date)	a. Mgr. Dir. Ops. Support (Signature & Date)
b. MEG: Dir. Ops. (Signature & Date)	b. Dir. Dir. Ops. (Signature & Date)	b. MEG Dir. Dir. & Maint. Mgmt. (Sig. & Date)
c. MEG: Dir. Ops. Services (Signature & Date)	c. Dir. Dir. Ops. Support (Signature & Date)	c. MEG Dir. Dir. Ops. & Maint. Dir. (Sig. & Date)
d. MEG: Manager (Signature & Date)	d. Dir. Mgr. /PS (Sig. & Date)	d. MEG Dir. Dir. of A. & CR (Signature & Date)

PS Form 1362, December 1991

Attachment B, Form 1362, Post Office Status Change Report

RECEIVED

DEC 14 1992

UNITED STATES POSTAL SERVICE
CUSTOMER SERVICE OFFICE

December 8, 1992



UNITED STATES POSTAL SERVICE
475 L'ENFANT PLAZA SW
WASHINGTON DC 20002

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File

MC	_____
CS	_____
FO	_____
CS	_____
IN	_____
SS	_____
SC	_____
TECH/FM	_____
CEAR	_____
NOFP	_____
ROADSIDE	_____

MEMORANDUM FOR AREA AND DISTRICT MANAGERS, CUSTOMER SERVICES

SUBJECT: ZIP Code Boundary Review Process

As you are aware, many of the communities we serve are very interested in obtaining postal identities that reflect their municipal or perceived community boundaries. Beyond simple preferences, conflicts between postal and municipal identities are sometimes claimed to have detrimental effects on customers and municipal operations.

In response to these concerns, the ZIP Code Boundary Review Process was issued in March, 1991. It was designed to ensure that external requests for adjustments in postal identity receive consistent and objective analysis, and that accommodation is provided, where feasible and reasonable.

The process (enclosed) has now been updated to reflect the new organizational structure. External requests for adjustments in postal identity will be processed by districts, instead of divisions, in the same 60 day time frame. Denied decisions may still be appealed to headquarters within 45 days, and a review by the area will be initiated. The time frame for review of appeals has been increased, from 45 to 60 days.

Because postmasters and other delivery unit managers frequently receive inquiries about identity issues, it is important that they be aware of the process and its requirements, including how and where customer requests are submitted. If a request is actually received at a local post office, it should be routed to the district for processing, or any necessary clarification from the customer. Copies of the process may be provided to customers or municipalities.

C: P Cooper
L. Rowe

- 2 -

Thank you for your continuing efforts in this area. If you have any questions, please contact Jackie Estes, Delivery Policies and Programs, at (202) 268-3543.



Stephen E. Miller
Vice President
Operations Support

Enclosure

cc: Mr. Green

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ZIP CODE BOUNDARY REVIEW PROCESS

DECEMBER 1992

ZIP CODE BOUNDARY REVIEW PROCESS

GENERAL POLICY

The ZIP Code system was created and designed to provide an efficient postal distribution and delivery network. ZIP Code assignments are, therefore, closely linked to factors such as mail volume, delivery area size, geographic location, and topography, but not necessarily to municipal or perceived community boundaries. Although delivery growth and changing demographics can necessitate adjustments to ZIP Code boundaries in order to achieve Postal Service objectives, the general stability of boundaries is essential to prompt and accurate distribution of mail.

While the Postal Service must be guided by concerns for service and efficiency, it does appreciate the identity and addressing concerns of local communities. Therefore, municipal requests to modify an authorized last line of address **and/or** ZIP Code boundaries, especially in undeveloped areas, will be considered and every reasonable effort will be made to accommodate them.

A community group may also request an adjustment to their authorized last line of address or ZIP Code boundary as outlined in this policy; however, documented endorsement of the request by the local government is strongly recommended. This will help to ensure that the non-postal interests of all

customers are represented fairly and are in concert with long term municipal planning.

Requests to amend postal ZIP Code boundaries must receive thorough and balanced evaluations. The unique situations pertinent to each ZIP Code boundary must be considered. Administrative solutions that do not adversely affect postal operations should be pursued to the maximum extent practicable. Realignment of a ZIP Code boundary should be considered only where there are no viable administrative solutions and an improvement, or minimal adverse impact, in postal operations is identified.

RESPONSIBILITIES

PROPONENTS (Municipalities and community groups):

Submit the specific change(s) desired, with any rationale and justification, in *writing* to the Customer Services District Manager who would be responsible for the affected territory if the change were approved. If the request is later denied, the decision may be appealed, unless the

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denial was based on a negative customer response to a survey conducted in accordance with this process. The basis of consideration of an appeal will be limited to whether or not reasonable accommodation was made by local postal managers.

Appeals must be made within forty-five days of the issuance of the Customer Services District Manager's final decision and submitted to:

MANAGER
DELIVERY POLICIES AND PROGRAMS
U.S. POSTAL SERVICE
475 L'ENFANT PLAZA SW
WASHINGTON, DC 20260-7 15 1

LOCAL POSTMASTERS:

If requests are received locally, forward them to the district for appropriate consideration. Provide background and operational information pertinent to the evaluation of the request.

DISTRICT MANAGERS, CUSTOMER SERVICES:

Operations will normally process all requests concerning addressing and ZIP Code boundaries. On receipt of a request, notify **affected** postmasters, obtain background material and:

- Identify all issues (see Attachment A)
- Identify potential administrative solutions (see Attachment B)
- Determine specific impacts and the operational feasibility of the request
- Quantify impacts (use Attachment C)
- Provide detailed supporting documentation
- Review findings with the affected postmasters
- Meet with the proponent to discuss the issues, impacts! and potential alternatives. If some aspects of the request pose problems and accommodation is otherwise feasible, the proponent may wish to amend the request.
- Prepare a recommendation

A final determination should be provided within sixty days of receipt of the request. However,

depending on the magnitude of potential changes and/or the number of pending requests, some extension or prioritization may be necessary. If a determination is not expected within sixty days, notify the proponent and provide an estimated completion date.

•

The Customer Services District Manager will make a decision to authorize alternatives, and/or to grant or deny any realignment. If the proposal is denied, the District Manager must advise the proponent in writing, giving the specific reasons for denial. The response must be based on the results of the **analysis** and must advise of the appeal process.

If accommodation is being considered, advise the affected postmaster(s) and arrange a joint meeting with the proponent to discuss the proposed accommodation. If agreement is reached, proceed with the customer survey element of the process.

CUSTOMER SUPPORT AND SURVEYS

Reviews should be conducted with the assumption that the proponent is fairly and accurately representing customer preferences and/or support. If previous surveys or input contradict this, they should be noted, but they are not a suitable basis for denial of a request.

Surveys should not be done before a potential accommodation is identified. This prevents inappropriate concern or speculation about a change that might not be feasible. If a potential accommodation is agreed upon, customer support is then confirmed via a survey. Prior to the actual survey, some municipalities may opt to hold public hearings in order to explain their concerns and rationale to the affected customers. This is the responsibility of the municipality, however a postal representative should be provided to answer any postal questions that arise.

The criteria for evaluation of the survey responses are set in advance of the survey's distribution. A simple majority of the respondents is adequate for approval, unless more stringent criteria are mutually agreeable.

The survey will be sent to all customers affected by the proposed change and will:

State that the Postal Service has received a request and identify the proponent.

State the specific change being considered, and the rationale for the change.

Identify known customer impacts (i.e. changes in last line of address, assignment to a different

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post office, changes in availability of left-notice mail, etc.)

Request a response: agree/disagree, and any comments

Explain that the change will be implemented if the majority of survey respondents support it.

A sample survey is provided in Attachment D.

AREA MANAGER, CUSTOMER SERVICES

The Area Manager of Customer Services must review all cases that are appealed; validate all cost data; ensure that a thorough and reasonable evaluation was conducted; and provide a written decision to the Headquarters Manager, Delivery Policies and Programs.

HEADQUARTERS:

The Manager, Delivery Policies and Programs, administers the ZIP Code Boundary Review Process.

A proponent whose request has been denied as a result of this process may appeal that decision to the Manager, Delivery Policies and Programs, except where a potential accommodation was agreed to, but was not implemented due to a negative customer survey response.

On receipt of an appeal, Headquarters will obtain the case file from the District. The basis of consideration will be limited to whether or not reasonable accommodation was provided. Generally, a decision will be provided within sixty days.

SUBSEQUENT MUNICIPAL REQUESTS

The ZIP Code Boundary Review Process emphasizes comprehensive, long term planning by both municipal and postal managers. This helps to avoid frequent, **disruptive** changes in response to strip annexation or other actions.

To encourage this approach and help to ensure stability in the ZIP Code network, facility planning and postal operations, municipal requests to further amend a boundary should not be considered more frequently than once every ten years.

ZIP CODE BOUNDARY REVIEW PROCESS

ATTACHMENT A: IDENTIFYING INTERNAL AND EXTERNAL ISSUES

This includes, but is not limited to, the following items:

Determine if the proposed boundaries are cohesive and manageable; whether or not isolated pockets of deliveries would be created; and if split sector-segments or block faces would result.

Determine if the proposed boundaries would create duplicate street addresses within a ZIP Code. Do not consider suffixes and pre- and post-directionals to be distinguishing features. Determine if the proposed boundaries can be accessed **efficiently**, or if access is restricted by man-made or natural barriers.

Determine if the affected deliveries would be served from a different station or branch of the same post office, or by a different post office.

Determine if the gaining facility can physically accommodate the change, and if new or upgraded facilities are planned within the affected area.

Determine if the potentially transferred deliveries and the adjacent territory in the proposed gaining office are served by the same form of delivery service (i.e. city, rural or highway contract route delivery.)

Identify any potential impacts to customer satisfaction such as parking availability, time of delivery to businesses, or differing location and distance to travel for left-notice articles

If other municipalities will be affected, determine their position regarding the change.

If there has been no request to use municipal boundaries, determine if it would be practical to do so.

Determine if there is a potential for future annexation efforts that could generate ongoing requests for change in the affected area, and approximately how many deliveries could be involved.



ZIP CODE BOUNDARY REVIEW PROCESS

ATTACHMENT B: IDENTIFYING POTENTIAL ADMINISTRATIVE SOLUTIONS

Opportunities will vary by locale, but could include:

Use of municipal name in the mailing address (when the municipality is served by a single office and there is no duplicate name within the state.)

Use of the intermediate office concept in rural delivery areas.

Long-term strategies to adjust ZIP Code boundaries in undeveloped areas

ZIP CODE BOUNDARY REVIEW PROCESS

ATTACHMENT C: QUANTIFYING IMPACTS & ESTIMATING COSTS

The following material is provided as a general guide to quantifying the impacts of a potential ZIP Code boundary change in response to a municipal request. Because each boundary situation is unique, some significant impacts may not be reflected in this outline and should be added locally. Conversely, some aspects of a proposal may not generate any measurable costs or savings.

Be sure to identify changes in the method of distribution, if any, that would result. Consider automated, mechanized and manual operations, including equipment needs and workload shifts, at mail distribution points and the associate offices involved.

For carrier operations, identify the number of deliveries and routes involved? specific changes in office and street duties that would result, and whether or not route inspections, mail counts and adjustments would be required. Identify any additional delivery equipment required to support the proposal (i.e. cases, dividers, vehicles), or excess that would result.

Determine specific abolishment, reassignment and posting requirements for each affected position (clerkal? delivery, support and administrative) and its assigned employee, in accordance with the appropriate national and local agreements.

Methodology

Unless otherwise specified! use District cost and productivity data as of the immediately preceding Accounting Period, excluding periods 3, 9, 10, 11, and 12. Use the National Payroll Hours Summary

Report to determine work hour rates, including benefits. Attach any supporting documentation to your cost calculations.

Misdirected Mail

The cost of handling misdirected mail is not itemized below, but it is a critical element. Mail that is undeliverable due to Postal Service adjustments, as is the case for ZIP Code boundary changes, is not processed through the Computerized Forwarding System, although the changes themselves are made available to mailers through Address Information System data files.

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Attachment C, p.2

Instead, mail that cannot be immediately captured through double- labelling of automated, mechanized and manual equipment must be re-handled. Depending on the specific situation, the types and amounts of misdirected mail that will incur a rehandling expense may vary dramatically.

For example, adjustments of territory involving two cities processed by a single processing and Distribution Facility (P&DF) should generate less misdirected mail than adjustments involving more than one P&DF. The degree to which distribution is automated or mechanized, readability rates and the processing of carrier route Bulk Business Mail are some examples of factors to be considered.

Recent local experience with other ZIP Code changes may provide an historical estimate of increased misdirected volume relative to the number of affected deliveries. However, any interim or anticipated changes in the status of automation could make that data less directly **applicable**.

Each District must evaluate these potential factors carefully and arrive at its own cost estimates for rehandling of misdirected mail.

Estimating Postal Costs: "One-Time" Costs

1 .AIS: Data Revision and Mapping Hours x rate.

2.ETU: Programming Hours x rate for LDC.

ETU: Revised Facility/Floor Plans Hours x rate for LDC.

3 .Facility Costs: Design

Provide estimate only if significant revisions to contracted designs will be required as a result of the proposed change and additional cost will be incurred.

4.Distribution: Scheme Training

Scheme changes, divided by sixteen = training hours; training hours x clerks requiring training x rate for PS Level

5.Distribution and Delivery: Equipment

For use only if the proposal will create a requirement for additional equipment, or result in excess equipment that would not otherwise have been required or available.

Attachment c, page 3.

Additional Required = +, Excess = - Be sure to credit excess items as a savings.

For automated, mechanized or manual distribution equipment and carrier cases and dividers, use current supply center or contract cost. For delivery vehicles, assume an LLV at a cost of \$13,100. Item x quantity x cost.

6.Delivery: Route Inspections and Adjustments Due to Transfers of Territory Between 5-digit Areas.

City Routes: For 1-5 routes, 23 hours per route x LDC 20 rate. For each 5-route increment? 23 hours for the first route and 19 hours for each of the remaining 4 routes. If DSIS software is used to complete the time card analyses and calculate Forms 1840 and 1838, reduce the total work hours required by 4 hours per route.

Rural Routes: Estimated supervisory hours to conduct inspections, adjustments and special mail counts required as a result of the proposal, x LDC 20 rate.

7.Relocation/Replacement of Equipment & Supplies:
(Physical move, new facility plaques, meter dies, etc.)

Estimated expenses

8.Customer Service: . Postage-paid Change of Address Cards for notification of correspondents.

Estimating Postal Costs: Recurring Costs

1 .Facilities: Floor Space Requirements;

For use if the proposal will create a requirement for additional space that is unavailable in the impacted facility. If the gaining and losing facilities are scheduled for expansion or replacement and the potential impact of a boundary change can be incorporated during planning or construction stages, only the net change in facility costs due to the proposal should be reported. For example, a space requirement could be readily shifted to another site, but a dramatic difference in real estate values or lease rates could impact the total costs. Include operational and support space required. Representative annual cost per square foot x footage.

2.Delivery Operations: City Carrier Travel

Net change in daily mileage (+ or -) x LLV cost per mile x 302 delivery days.

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. Attachment c, page 4.

Rural Carrier EMA:Net change in daily mileage (+ or -) x current per mile rate of EMA x 302 delivery days.

3.Clerical, City or Rural Carrier Work Hours: Net Changes in Complement and Unique Impacts Only

Report net changes in bargaining unit complement, by LDC. Generally, work hours will be assumed to shift commensurate to workload, forming a constant. In some cases, however, impacts created or eliminated by the proposal will have a unique effect on workload and should be reported.

For example, volume formerly processed in a mechanized operation and now forced into a manual operation at a lower rate of productivity is reportable. In city delivery, 7 minutes daily additional "deadhead" travel time to reach an isolated delivery pocket might result and would be reportable

Use the net change (+ or -) in daily work hours x the rate per hour for the appropriate LDC x 302 days

4. **Supervisory/Support** work hours and Complement In some cases, transferred workload will create or increase complement in the gaining office, and may or may not be offset by a decrease in the losing office. Supervisory and custodial work hours may be impacted, in particular. Report any net increase or decrease to complement, by LDC. Multiply the associated annual work hours x the rate for the LDC.

ZIP CODE BOUNDARY REVIEW PROCESS

ATTACHMENT D: SAMPLE SURVEY

AN IMPORTANT SURVEY ABOUT POSSIBLE POSTAL CHANGES

Dear Postal Customer:

On behalf of customers in your area, (proponent) has requested that the Postal Service (accept the name XXXX in your last line of address, provide service to your area from another post office, etc.). According to (proponent), **the** benefits of this change are (recognition of actual municipal identity, elimination of duplicate addresses, etc.).

The Postal Service is willing to make this change, if customers support it. This survey has been developed to determine your preferences

FOR YOUR PREFERENCES TO BE CONSIDERED, YOU MUST RESPOND TO THIS SURVEY. The change will be adopted or rejected, in accordance with the majority of responses received.

EFFECTS OF THE CHANGE:

If the request is approved, you will (be able to use XXX in your last line of address with the xxxxx ZIP Code; be required to change your last line of address to...; need to notify correspondents of your new mailing address; pick up left-notice mail **from** the X post office; experience brief delays due to mail being redirected; no impact; etc.) This change would be effective (date).

DO YOU SUPPORT THE REQUESTED CHANGE?

YES _____ **NO** _____

YOUR NAME _____

YOUR ADDRESS _____

COMMENTS:

Thank you very much for your assistance.

ATTACHMENT D

LAST LINE OF ADDRESS CHANGE SURVEY

AN IMPORTANT SURVEY ABOUT POSSIBLE POSTAL CHANGES

Dear Postal Customer:

On behalf of customers in your area, the Montgomery Village Association has requested that the Postal Service accept the name Montgomery Village in your last line of address. According to the Montgomery Village Association, the benefit of this change is recognition of municipal identity.

The Postal Service is willing to make this change, if customers support it. This survey has been developed to determine your preferences.

FOR YOUR PREFERENCES TO BE CONSIDERED, YOU MUST RESPOND TO THIS SURVEY. The change will be adopted or rejected, in accordance with the majority of responses received.

EFFECTS OF THE CHANGE:

If the request is approved, you will be able to use Montgomery Village, MD in your last line of address with the ZIP Code 20879; be **required to** change your last line of address to Montgomery Village, MD **20879; and** you will need to notify correspondents of your new mailing address. This change would be effective _____

*Your name
occasionally
see a parcel of
mail arrive
at your home
with the address
you have
at the time you
are handling it
outside of Montgomery
Village, MD
I understand
how and why
the Postal Service
is doing this
Open to take the
mail to be included*

DO YOU SUPPORT THE REQUESTED CHANGE?

YES _____

NO _____

YOUR NAME _____

YOUR ADDRESS _____

COMMENTS:

Please return your survey to Metro Operations, US Postal Service, 16501 Shady Grove Road, Gaithersburg, MD 20898-9998. Thank you very much for your assistance.

CERTIFICATE OF SERVICE

I hereby certify that I have this day APRIL 9, 1999,
served the foregoing document upon all participants of record in
this proceeding in accordance with section 12 of the rules of
practice.



Joseph B. Hurwitz
10204 Kindly Court
Gaithersburg, MD 20879
301.948.0580