

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

RULES ON CHANGES AND CORRECTIONS TO
THE MAIL CLASSIFICATION SCHEDULE

Docket No. RM2015-6

REPLY COMMENTS OF THE UNITED STATES POSTAL SERVICE
(January 8, 2015)

The United States Postal Service hereby submits this reply to comments submitted in response to the proposal of the Postal Regulatory Commission to amend its rules governing review of changes and corrections to the Mail Classification Schedule (MCS) under 39 C.F.R. part 3020, subpart E.¹ The only party other than the Postal Service to file initial comments in this docket was the Postal Regulatory Commission's Public Representative.² The comments below relate to two of the Public Representative's suggested changes.

39 C.F.R. Part 3020.92(b)

At page 8 of its Comments, the Public Representative concludes a discussion of proposed 39 C.F.R. Part 3020.92(b) with several suggested changes to that provision. In summary, the Public Representative appears to propose the insertion of wording reiterating that Commission rulings approving minor corrections to the Mail Classification Schedule may incorporate editorial corrections by the Commission, and

¹ Docket No. RM2015-6, PRC Order No. 2250, Notice and Order of Proposed Rulemaking On Changes And Corrections To The Mail Classification Schedule (November 14, 2014), (hereinafter, Notice of Proposed Rulemaking). That Order establishes a 15-day deadline after December 24, 2014, for the filing of reply comments. See 79 *Federal Register* 69781.

² Docket No. RM2015-6, Public Representative Comments (December 24, 2014).

should explicitly declare that the original corrections are “not a material change” and “consistent with the provisions of title 39” The Postal Service has no objection to the Commission explicitly declaring that an approved correction is not a material change. To those who regard compliance with title 39 as an implied objective of all Commission rulings, the second of the proposed changes may appear superfluous. Nevertheless, the Postal Service does not oppose the Public Representative’s apparent pursuit of an explicit declaration of compliance.

39 C.F.R. Part 3020.81(c)

Without repeating the discussion here, the Postal Service invites the Commission’s attention to the concerns it initially expressed in response to the Commission’s proposed 39 C.F.R. Part 3020.81(c) and to the alternative wording offered by the Postal Service as a substitute.³

At pages 11-12 of its Comments, the Public Representative concludes a discussion of proposed 39 C.F.R. Part 3020.81(c) with a suggestion that it be amended to read as follows:

Describe the views of those who use the product on the appropriateness of the proposed action and the impact that the changes will have on users of the product and on competitors and on small business concerns.

The Public Representative’s suggestion shares a problematic characteristic of the wording proposed by the Commission, which prompted the Postal Service to submit its December 24th alternative. The Public Representative appears to impose an obligation on the Postal Service to obtain certainty regarding the impact that a material Mail Classification Schedule (MCS) product description change will have before

³ See, Docket No. RM2015-6, Initial Comments of the United States Postal Service at 2-3. (December 24, 2014).

requesting Commission review of said change. The Postal Service has no objection to an obligation to support a request for Commission review of such a change with a summary of the nature of relevant customers' views (solicited or otherwise) that it has compiled. Nor does the Postal Service object to describing the nature of the likely impacts of such a change on mail users, competitors or others, insofar as they are known to the Postal Service when it submits its request. However, the Public Representative proposes that the Postal Service determine and report what the impacts will be in conjunction with such a request. This would require the Postal Service to conduct market research or otherwise compile data that reflect some unspecified level of scientific or empirical analysis of the impact of an MCS product description change on customers, competitors and small businesses.

Such a burden is excessive. Accordingly, the Postal Service encourages the Commission to adopt the version of 39 C.F.R. Part 3020.81(c) suggested at page 3 of its December 24, 2014 Initial Comments. In the alternative, the Postal Service proposes that the Commission adopt the modifications to the Public Representative's version of 39 C.F.R. Part 3020.81(c) reflected below:

Provide available information ~~D~~describing the views of those who use the product on the appropriateness of the proposed action and the likely impact of ~~that the changes will have~~ on users of the product and on competitors and on small business concerns.

This modified text resolves the concerns expressed by the Postal Service in its December 24th comments.

The Postal Service appreciates the opportunity to advise the Commission in this rulemaking.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Pricing & Product Support

Michael T. Tidwell

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-2998, Fax -5402
January 8, 2015