

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

Rule on Motions Concerning
Mail Preparation Changes

Docket No. RM2016-6

**COMMENTS OF THE NATIONAL POSTAL POLICY COUNCIL, THE
NATIONAL ASSOCIATION OF PRESORT MAILERS, AND THE
ASSOCIATION FOR MAIL ELECTRONIC ENHANCEMENT
(May 1, 2017)**

The National Postal Policy Council (“NPPC”), the National Association of Presort Mailers (“NAPM”), and the Association for Mail Electronic Enhancement (“AMEE”) (“Joint Commenters”) respectfully submit these comments in response to Order No. 3827.¹

The purpose of this proceeding is to improve the Commission’s procedures to ensure that the Postal Service properly accounts for the rate effects of mail preparation changes under rule of practice 3010.23(d)(2). See Order No. 3047, as affirmed by Order No. 3441 on remand in Docket No. R2013-10R.² In previous comments in this proceeding in response to Order No. 3048, the Joint Commenters supported the Commission’s goal but expressed reservations about certain aspects of the then-proposed rule pertaining to notice

¹ Order No. 3048 (Mar. 27, 2017) (Notice of Proposed Rulemaking).

² Order No. 3441, Docket No. R2013-10R (July 20, 2016), *affirming* Order No. 3047, Docket No. R2013-10R (January 22, 2016).

to mailers and substantive evidentiary burdens. We are pleased that the revised proposed rule set forth in Order No. 3827 is a substantial improvement.

In particular, the revised proposal:

1. Clarifies that the USPS and PRC retain primary responsibility for assessing the cap implications of any mailing eligibility changes;
2. Requires USPS to make an affirmative statement as to whether a mailing eligibility change has cap implications; and
3. Requires USPS to file publicly, in a single-place, a compilation of all mailing eligibility changes.

These changes respond appropriately to the concerns expressed by the Joint Commenters and other mailers and should lead to a more structured and orderly process. The Joint Commenters commend the Commission for improving the proposed rule.

In particular, the revised proposal properly emphasizes that the Postal Service bears the obligation to comply with the price cap regulations and the Commission has primary enforcement authority.

Second, the revised proposal will promote clarity and efficiency by having the Postal Service post all of its mailing regulation changes in one place. This should greatly help the Commission and mailers keep track of mailing regulation changes between market-dominant pricing adjustments.

Furthermore, and consistent with the foregoing, the revised proposal correctly makes clear that, if a question arises (which has seldom occurred over the past decade) the Postal Service bears the burden of proof that a mail preparation requirement change does not require compliance with section 3010.23(d)(2) of the Commission's rules.

Finally, as the Commission notes, existing procedures should be sufficient to allow interested parties to raise issues of price cap compliance for mail preparation changes. However, the new procedures in the revised proposal will make recourse to the existing procedures rarely necessary.

For these reasons, the National Postal Policy Council, the National Association of Presort Mailers, and the Association for Mail Electronic Enhancement support the proposed rule and urge its adoption.

Respectfully submitted,

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