

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Mail Classification Schedule Modification
For International Mail Sealed and Unsealed
Against Inspection

Docket No. MC2009-23

PUBLIC REPRESENTATIVE COMMENTS IN RESPONSE TO
UNITED STATES POSTAL SERVICE NOTICE OF CLASSIFICATION CHANGE
FOR INTERNATIONAL MAIL

(May 4, 2009)

In response to Order No. 206,¹ the Public Representative hereby comments on the April 20, 2009 United States Postal Service Notice of Classification Change (Notice). The Notice advances the spirit and complies with requirements of title 39, and comports with relevant Commission Rules of Practice and Procedure. Accordingly, the changes benefit the general public.

Discussion

“Transparency” is a current buzzword. For the blind and sighted, it conveys several meanings. However, for the visually challenged, secondary connotations of “fair-dealing,” “equal treatment” and “effective notice” rise in prominence, expressing policies which compel and ensure accessibility. These are not mere accommodations. They are rights; incorporated by reference into title 39 (through, for example, Postal

¹ Notice and Order of Classification Changes, April 24, 2009

Service Handbook RE-4, *Standards for Facility Accessibility by the Physically Handicapped*, Section 508² directives and other postal regulations. Congress long before had created Free Matter for the Blind service (now, *Free Matter for the Blind or Other Physically Handicapped Persons*).

The general public appreciates the work the United States Postal Service performs – arguably, better than perhaps any other postal administration. Yet this Public Representative would be remiss if he did not observe that accessibility to its services is part of the Postal Service’s universal service *obligation*.

In that spirit, this representative acknowledges, rather than praises, the proper action the Postal Service proposes in modifying the Mail Classification Schedule (MCS). The brevity of the Notice and its analysis in this docket must not be interpreted as indicating any lack of significance. To be sure, the Notice advises of “several nonsubstantive edits”³ to the MCS and clarifications which will also be noted in the *International Mail Manual*. However, the general public will appreciate a number of issues which provide the foundation for these minor changes. The Enumerated Powers of Congress, granted by Article One of the Constitution, provides authority “[T]o establish Post Offices and post roads.” (U.S. Const. Art.1, Sec.8, Cl.7.) The genesis of the Postal Service is here. The Notice also touches First and Fourth Amendment rights which, despite two centuries of demonstrated wisdom (and refinement) in this Nation,

² Section 508 Rehabilitation Act of 1973, as amended (29 U.S.C. 794d).

³ Notice, at 2.

are not enjoyed throughout the nations with whom we exchange mail. Various balances between the freedom of expression and freedom from unreasonable searches and seizure have arisen numerous times, especially in the Mails (such that citation might be an academic exercise with little or no useful purpose here). The general public sees the results in regulations regarding the mail categories which, in the United States, are sealed against inspection – and those which are not.

The Notice proposes to have the MCS and IMM reflect policy providing International Surface Airlift (ISAL) and Global Bulk Economy (GBE) service mailpieces First-Class Mail International protection. It also provides that the Postal Service will advise Global Direct customers regarding destination countries' policies regarding the seal of that mail to confirm compliance with the destination country's content eligibility requirements.⁴ As noted in Order No. 206, the "effective" dates in the Notice (May 11, 2009) and April 22, 2009 Federal Register (June 1, 2009) should be reconciled; this Public Representative would recommend the earlier date.

The clarifications to the MCS -- both substantively and textually -- are sound. How appropriate, as we mark the bicentennial of Louis Braille's birth that we once again promote transparency for the blind and other physically handicapped persons.

Conclusion

The Public Representative submits that the present Notice of Classification Change(s) complies with title 39 and the Postal Service Notice fulfills all relevant

⁴ Notice, at 1.

requirements for Commission Rules of Practice and Procedure. The changes therein benefit customers of the United States Postal Service and the general public.

The Public Representative respectfully offers the preceding Comments for the Commission's consideration.

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