

Postal Rate Commission

**Monday
December 10, 1979**

Part VI—Section D

**Postal Rate
Commission**

Draft Consumer Program

POSTAL RATE COMMISSION**AGENCY:** Postal Rate Commission.**ACTION:** Draft Consumer Program.**DATE:** Comments must be received by March 10, 1980.**ADDRESS:** Comments should be addressed to Secretary, Postal Rate Commission, 2000 L Street, NW., Washington, D.C. 20268.**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, Officer of the Commission, (202) 254-3840.**AUTHORITY:** By direction of the Commission, this draft consumer program is published in order to elicit public comment.

Executive Order No. 12160, "Program for Enhancement and Coordination of Federal Consumer Programs," was issued on September 26, 1979. Under Section 1-902 of that Order, independent regulatory agencies are exempt from mandatory compliance, but Section 1-804 invites these agencies to participate. Pursuant to Section 1-804, the Postal Rate Commission, an independent regulatory agency responsible for recommending postal rates and service classifications; for considering formal complaints about postal rates and service schedules; for advising on changes in the nature of postal services; and for reviewing appeals of Postal Service determinations to close post offices; voluntarily presents this program for implementing Executive Order No. 12160.

I. CONSUMER AFFAIRS PERSPECTIVE**A. Establishment of the Office of the Officer of the Commission**

Section 3624(a) of title 39 of the United States Code provides that in every postal rate and classification proceeding an "officer of the Commission" shall be appointed "who shall be required to represent the interests of the general public." The duties and responsibilities of the Officer of the Commission have been expanded by the establishment of a permanent, separate Office of the Officer of the Commission. This office is responsible for representing the needs and interests of consumers in the development and review of all agency rules, policies, programs and legislation.

Previously, an Officer of the Commission appeared in formal Commission proceedings supported by employees assigned from various Commission divisions. Establishment of a permanent office with continuing responsibility for considering and addressing consumer needs and interests provides informed, expert representation of consumer interests during the development and review of all Commission actions.

The Office of the Officer of the Commission is managed by the Officer of the Commission who reports directly to the Commission itself. The Office of the Officer of the Commission employs a multi-disciplined staff including attorneys, economists, accountants, statisticians, industrial engineers and rate analysts. This staff comprises approximately one-third of the professional staff of the Commission.

B. Participation in Formal Commission Proceedings

Substantive Commission policies are established during consideration of proposals to change postal rates and/or services. Section 3624 of title 39 requires that such decisions be made on the basis of an evidentiary record developed in conformance with 5 U.S.C. §§ 556 and 557. These standards, and the formal procedural requirements applicable to Commission proceedings, insure consumer access to the decisionmaking process and that fair consideration is given to consumer needs and interests raised during these proceedings.

Whenever a formal proceeding has been initiated under 39 U.S.C. § 3624, an Officer of the Commission is appointed immediately to represent the interests of the general public. As a party to all formal proceedings, the Office of the Officer of the Commission is able to utilize continuing analyses to evaluate proposals, present evidence relating to the public interest, and to rebut other participants when necessary to adequately present consumer viewpoints.

During the course of a formal proceeding, the Office of the Officer of the Commission is provided sufficient resources to insure complete representation of the interests of the general public. This representation includes explication and presentation of the public policy positions, development of a complete evidentiary record on matters at issue, and provision of assistance to interested members of the public who wish to present their concerns to the Commission individually.

Consumers who wish to present their views to the Commission have several options available to them. Commission rules allow formal intervention by any interested person or group. This enables individual consumers and consumer groups to present their positions directly. The Office of the Officer of the Commission provides procedural assistance to consumers presenting their own views. Additionally, the Officer of the Commission's own presentation may develop a particular consumer's position more comprehensively.

The Commission also provides for participation in its proceedings through a "commenter" process. Members of the public may present their views to the Commission in writing at any stage in a proceeding as commenters. Commenters' views are made a part of the Commission file in every case and are available for review by the Officer of the Commission, other parties, Commissioners and the Commission staff. Parties, or the Commission itself, can act to make a comment part of the decisional record, and the Officer of the Commission may incorporate the views expressed in comments in its presentation to the Commission, or may assist commenters who wish to appear before the Commission to present their views personally.

Another type of formal proceeding is one initiated to enact rules for use in formal Commission proceedings. Pursuant to Executive Order 12044, dated March 24, 1978, the Commission undertakes an annual review of its rules. In all rulemaking the Officer of the

Commission is a party and presents the views of the Office of the Officer of the Commission to the Commission. The position of the Office of the Officer of the Commission reflects both the experience gained in previous litigation on behalf of the public, and the complaints, suggestions, and requests of individuals or groups received by the Office during the previous year.

C. Participation in Informal Commission Proceedings

The Officer of the Commission is responsible for insuring that consumer needs and interests are considered in the informal development and review of agency rules, policies, programs and legislation. Internal Commission procedures insure the participation of the Officer of the Commission. Staff proposals to change, initiate, develop or review agency rules, policies, programs and legislation not at issue in formal proceedings must be circulated to the Officer of the Commission for comment. Each office, including the Office of the Officer of the Commission, suggests legislative and substantive programs to the Commission on an ongoing basis, and the Officer of the Commission is charged with suggesting Commission programs relevant to the needs and interests of consumers.

Pursuant to its general authority to recommend postal rates and services in the public interest, the Commission initiates a broad range of fact-finding programs to ascertain trends in utility regulation applicable to postal matters. The Office of the Officer of the Commission, under the overall direction of the Chairman, is responsible for initiating and implementing programs aimed at identifying areas of consumer needs and public interests related to postal services.

Additionally, it is Commission policy for Officer of the Commission personnel to attend public meetings which will expand Commission awareness of consumer attitudes and desires, and responsible Commission employees are available to participate in such programs.

II. CONSUMER PARTICIPATION

The primary policy and rulemaking duties of the Commission are discharged in quasi-judicial proceedings, subject to the provisions of the Administrative Procedures Act. Consumers are able to participate on an equal footing with other parties and have available all of the alternatives described in Section I. The Office of the Officer of the Commission provides procedural assistance to consumers at every stage of formal Commission proceedings.

Consumer participation in the development of non-case-related Commission activities is also quite extensive. These programs are designed to investigate areas of identified concern, and consumer input is often a major factor leading to the establishment of a fact-finding effort. Comments and suggestions the Commission receives from the public are reviewed by the Office of the Officer of the Commission, which has

direct access to the Commission and is responsible for recommending subjects for Commission inquiries which reflect consumer needs and interests.

It is Commission policy to seek consumer input, and both Commissioners and responsible Commission officials participate in consumer-oriented programs particularly at locations where postal matters are likely to be discussed. At such appearances the procedures applicable to participation in Commission proceedings are emphasized.

Notice of Commission proceedings is provided through extensive media publicity, as well as through formal notice procedures. An extensive mailing list of interested persons and groups is maintained and those listed are notified of each new Commission proceeding.

III. INFORMATIONAL MATERIALS

Commission policy is to disseminate to consumers a broad range of materials which describe Commission activities and responsibilities. An Information office has been established [(202) 254-5614] which is responsible for performing this function.

Several documents of interest to consumers are available by contracting the Information Office. First, the Information Office publishes and distributes a biweekly document review which describes all pending Commission proceedings and notes important events in each proceeding. Second, the Information Office publishes and distributes a pamphlet which includes a general description of Commission operations and activities. A third pamphlet is available which outlines procedures followed in formal proceedings, and interested members of the public may also obtain, free of charge, copies of the Commission rules of practice and procedure, which detail the steps to be followed to participate in formal proceedings. Finally, the Information Office will commence publication and distribution of a comprehensive annual report in 1980 which will describe important activities and events that occurred in the previous year.

The Public Information Office is available to answer general questions concerning Commission responsibilities and services, and the Office of the Officer of the Commission will provide technical assistance to any consumer seeking information on the scope of Commission authority, or on the subject matter of current or past Commission proceedings.

Commission meetings are open to the public with notice published in the *Federal Register*. Personal assistance from either the Public Information Office or the Office of the Officer of the Commission will be provided to members of the public attending Commission meetings. All documents filed in formal Commission proceedings are available in a public docket room and may be examined during Commission office hours.

IV. EDUCATION AND TRAINING

Materials shall be prepared which describe and explain Executive Order 12160 and the Commission

Consumer Affairs Program as herein described. These materials shall be distributed throughout the Commission.

Employees in the Office of the Officer of the Commission are required to have educational and professional experience and training which will prepare them to recognize and represent consumer interests. The Commission employee improvement program provides funds to assist employees to further their education in relevant fields such as economics, marketing and law.

V. COMPLAINT HANDLING

An important Commission function is to hear formal complaints from persons who believe that the Postal Service is charging rates or providing postal services not in accordance with the policies of Title 39 of the United States Code. Such complaints are considered in formal proceedings, and an Officer of the Commission participates, representing the interests of the general public.

Persons seeking less formal recourse may lodge an informal complaint with the Commission orally or in writing. Complaints of this nature are normally received by the Secretary of the Commission or by the Public Information Office. It is Commission policy to investigate and respond promptly to informal consumer complaints. When investigation reveals that a serious problem remains unresolved, the Commission will take appropriate action to resolve the difficulty. This may involve initiation of a formal proceeding, as described in the preceding paragraph, in which case an Officer of the Commission shall be appointed to represent the interests of the general public.

David F. Harris,
Secretary.

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APPENDIX
CONSUMER RESPONSE FORM FOR EXECUTIVE ORDER 12160

Dear Consumer:

The Postal Rate Commission wants to make its consumer program better and more responsive to you, the consumer. We would like your thoughts and suggestions for improving our proposed consumer program. Please help us by answering the following questions:

1. Which of the following statements best describes your interest in our consumer program?

I am interested in it as an individual consumer.

I am concerned about it, because I represent a public interest consumer group.

I am concerned about it, because I represent a private company or organization.

2. After reading about our consumer program, do you think you understand how it works?

Yes, it is clear and I understand it.

Yes, I understand most of it.

No. Much of it is not clear to me.

3. Part of our consumer program sets up ways for consumers to help us make policies and rules. Do you feel our program makes it easier for you to participate?

Yes

No. Why? _____

4. Our proposed consumer program outlines how we plan to get information out to consumers. How adequate do you think our plan is?

It seems adequate.

It is not adequate. Why? _____

5. We want to make it easy for consumers to bring their problems to our attention. Our proposed program tells how we intend to handle complaints from consumers.

How good is our plan?

Adequate.

Not adequate. Why? _____

6. After reading our proposed consumer program, do you know whom or which office in the Postal Rate Commission to contact if you have:

A complaint? Yes No

A general question about the agency? Yes No

A question about how to take part in agency proceedings? Yes No

7. Do you know who or which office in the Postal Rate Commission speaks for the consumer? Yes No
Any suggestions for improvement? _____

8. Do you have any suggestions for improving our consumer program?

No

Yes, in the following areas:

Consumer participation _____

Informational materials _____

Complaint handling _____

9. Other comments or suggestions? (Use additional pages, if necessary.)

your name

your address

city, state, zip

SEND THIS FORM DIRECTLY TO: Secretary
Postal Rate Commission
2000 L Street, N. W.
Washington, D. C. 20268