Postal Regulatory Commission
Submitted 9/2/2010 3:15:37 PM
Filing ID: 70073

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON DC 20268-0001

RATE ADJUSTMENT DUE TO	)	
EXTRAORDINARY OR	)	Docket No. R2010-4
EXCEPTIONAL CIRCUMSTANCES	)	

REPLY COMMENTS OF THE AFFORDABLE MAIL ALLIANCE (September 2, 2010)

Ian D. Volner
David M. Levy
Matthew D. Field
VENABLE LLP
575 Seventh Street, N.W.
Washington DC 20004
(202) 344-4800
idvolner@venable.com
dlevy@venable.com

Counsel for Affordable Mail Alliance, Alliance of Nonprofit Mailers, Association for Postal Commerce, and Magazine Publishers of America

David R. Straus
THOMPSON COBURN LLP
1909 K Street, N.W.
Suite 600
Washington DC 20006
(202) 585-6921
dstraus@thompsoncoburn.com

Counsel for American Business Media

Anthony W. Conway
Executive Director
ALLIANCE OF NONPROFIT MAILERS
Suite 610
1211 Connecticut Avenue, N.W.
Washington DC 20036-2705
(202) 462-5132
Tony@nonprofitmailers.org

For Alliance of Nonprofit Mailers

C. Hamilton Davison
President & Executive Director
AMERICAN CATALOG MAILERS ASSOCIATION, INC.
PO Box 41211
Providence RI 02940-1211
(800) 509-9514
hdavison@catalogmailers.org

For American Catalog Mailers Association, Inc.

Jan Poling
VP, General Counsel & Corporate Secretary
AMERICAN FOREST & PAPER ASSOCIATION
1111 19th Street, NW, Suite 800,
Washington, D.C. 20036
(202) 463-2590
Jan.poling@afandpa.org

For American Forest & Paper Association

Maynard H. Benjamin, CAE
President and CEO
ENVELOPE MANUFACTURERS ASSOCIATION
500 Montgomery Street, Suite 550
Alexandria VA 22314-1565
(703) 739-2200
mhbenjamin@envelope.org

For Envelope Manufacturers Association

Mury L. Salls
DST MAILING SERVICES
1100 Investment Blvd
El Dorado Hills, CA 95762

President, Major Mailers Association

William B. Baker
WILEY REIN LLP
1776 K Street NW
Washington DC 20006
(202) 719.7255
wbaker@wileyrein.com

Counsel for National Postal Policy Council

Jerry Cerasale
Senior Vice President for Government Affairs
DIRECT MARKETING ASSOCIATION, INC.
1615 L Street, N.W., Suite 1100
Washington DC 20036
jcerasale@the-dma.org

Counsel for Direct Marketing Association, Inc.

Ken Garner
President & CEO
MAILING & FULFILLMENT SERVICE ASSOCIATION
1421 Prince Street, Suite 410
Alexandria VA 22314-2806
(800) 333-6272

For Mailing & Fulfillment Service Association

Tonda F. Rush
KING & BALLOW
PO Box 50301
Arlington VA 22205
(703) 237-9801
trush@americanpressworks.com

Counsel to National Newspaper Association

Michael Makin
President & CEO
PRINTING INDUSTRIES OF AMERICA
200 Deer Run Road
Sewickly PA 15143
(412) 741-6860
mmakin@printing.org

For Printing Industries of America

Joseph E. Schick
Director, Postal Affairs
QUAD/GRAPHICS, INC.
N63W23075 State Hwy 74
Sussex, WI 53089
(414) 566-4134
joe.schick@qg.com

For Quad/Graphics, Inc.

Gian-Carlo Peressutti
Senior Vice President, Public Affairs
RR DONNELLEY
99 Park Avenue
New York NY 10016
(212) 502-1391

For RR Donnelley

TABLE OF CONTENTS

REPLY COMMENTS OF THE AFFORDABLE MAIL ALLIANCE

The Affordable Mail Alliance ("AMA") respectfully submits these reply comments on the Postal Service's July 6 request for Commission approval of rate increases averaging 5.6 percent, an amount far exceeding the increase in the Consumer Price Index.[1] These comments respond to certain points raised in the August 17 initial comments of the American Postal Workers Union ("APWU"), the National Postal Mail Handlers Union ("NPMHU"), the Valpak entities ("Valpak"), as well as the August 25 responses of the Postal Service to Presiding Officer's Information Request No. 5.

COMMENTS

I. THE POSTAL SERVICE WILL HAVE ENOUGH CASH TO OPERATE IN FY 2010 AND FY 2011 WITHOUT THE EXIGENT RATE INCREASE OR ANY MAJOR IMPROVEMENTS IN EFFICIENCY.

As AMA noted in its initial comments, the testimony of the Postal Service's witnesses during the hearings on August 10-12 has revealed a fundamental hole in the Postal Service's case. Whether or not the Postal Service improves its efficiency, the proposed rate increase is simply not "necessary" under section 3622(d)(1)(E). Even the worst-case scenario offered by the Postal Service does not project that it will stop meeting payroll or delivering the mail before September 30, 2011, the last day of Fiscal Year

---

[1] AMA is a coalition of more than 1,000 large and small businesses, nonprofit organizations and associations of mailers that together account for a majority of the mail sent in the United States.

2011. Moreover, the exigent rate increase, even if approved and implemented exactly as proposed, would not extend the Postal Service's operations by a single day. In the most basic and direct sense, the proposed rate increase is not "necessary" under section 3622(d)(1)(E). AMA Comments at 4-6.

Evidently for this reason, the Postal Service shifted theories in mid-case by embracing an alternative justification for an exigent rate increase: that the Postal Service expects to lose $115 billion over the *ten-year* period running through 2020.[2] This new and alternative theory, however, suffers from its own, equally fatal, deficiencies. First, there can be no claim that further declines in mail volume and other continuing trends projected over the next ten years—long after the end of the recession—constitute "extraordinary or exceptional" circumstances under section 3622(d)(1)(E). Second, the $115 billion loss figure reflects a business-as-usual incrementalism that does not begin to meet the Postal Service's economic needs, let alone satisfy the "best practices of honest, efficient and economical management" standard of section 3622(d)(1)(E). AMA Comments at 6-23. We discuss these points in Sections II and III, respectively.

---

[2] *Compare* Corbett Statement (July 6, 2010) at 8 (portraying "liquidity crisis" in which the Postal Service may run out of cash in FY 2010 and, "more likely," will be unable to "pay all 2011 obligations"); with Tr. 1/39-40 (Corbett) (admitting that Postal Service is likely to be able to operate through the end of FY 2011 without a rate increase, and that the proposed rate increase is likely to affect only the amount of the payment by the Postal Service on September 30, 2011, to prefund its retiree health care obligations); Tr. 2/216 (Masse) (same); Tr. 2/247-248 (Masse) (both Congress and the Administration "understand" that the situation may require a partial payment); Tr. 2/178-181, 234, 245-246 (Masse) (emphasizing losses projected over ten-year period through 2020 resulting from the long-term "volume decline" that began several years ago; Tr. 1/38 (Corbett) (same).

II. THE CAUSES OF THE POSTAL SERVICE'S PROJECTED LOSSES AFTER FISCAL YEAR 2011 ARE NOT "EXTRAORDINARY OR EXCEPTIONAL" UNDER 39 U.S.C. § 3622(d)(1)(E).

The initial comments of AMA and other parties demonstrated that the Postal Service's projected losses do not result from "extraordinary or exceptional" circumstances within the meaning of 39 U.S.C. § 3622(d)(1)(E). *See* AMA Motion to Dismiss (Aug. 2, 2010); AMA Comments at 8-14; Sen. Collins Comments; Comments of Publisher's Clearing House; Comments of the National Postal Policy Council at 5; Initial Comments of the Saturation Mailers Coalition and Valassis Direct Mail, Inc. at 1; Initial Comments of Time Warner, Inc. at 5; Comments of the Newspaper Association of America at 5; Comments of the Envelope Manufacturers Association. Even if (contrary to fact) the recent recession could be regarded as "extraordinary or exceptional" in this sense, the long-term trends underlying the Postal Service's ten-year loss projection of $115 billion certainly cannot. The handful of parties that support the exigent rate increase certainly do not justify a contrary result.

The American Postal Workers Union renews its perennial quest to narrow worksharing discounts for First-Class Mail—a posture that APWU made ordinary and unexceptional in postal rate cases years ago. APWU Comments.

The National Postal Mail Handlers Union offers an elaborate parsing of the legislative history of section 3622(d)(1)(E) in an attempt to show that "the Great Recession that began in 2008" was an "extraordinary or exceptional circumstance" within the meaning of that section. NPMHU Comments at 3. NPMHU's analysis suffers from several major errors.

(1) NPMHU relies primarily on the notion that the evolution of the wording of section 3622(d)(1)(E) from "unexpected and extraordinary" to "extraordinary or exceptional" was a "significant" relaxation of the requirement. NPMHU at 8-10. NPMHU places too much weight on these semantic changes. The concept of unexpectedness or unforeseeability is implicit in both "extraordinary" and "exceptional."[3] The Commission effectively recognized this fact when reaffirming in Order No. 43 that the Postal Service must include in any request for an exigent rate increase an

> analysis of the circumstances giving rise to the request, which should, where applicable, include a discussion of *whether the circumstances were foreseeable* or *could have been avoided by reasonable prior action* . . .

[3] In construing statutes, regulations and other legal standards, the courts commonly treat "extraordinary" or "exceptional" as synonymous or closely related in meaning with "unexpected" and "unforeseeable." *See*, *e.g.*, *Bouriez v. Carnegie Mellon University*, 585 F.3d 765, 774 (3rd Cir. 2009); *Genereux v. American Beryllia Corp.*, 577 F.3d 350, 375 (1st Cir. 2009); *Corales v. Bennett*, 567 F.3d 554, 573 (9th Cir. 2009); *Budget Blinds, Inc. v. White*, 536 F.3d 244, 255 (3rd Cir. 2008); *Stolt Achievement, Ltd. V. Dredge B.E LINDHOLM*, 440 F.3d 266, 275 (5th Cir. 2006); *Air Pegassus of D.C., Inc. v. United States*, 424 F.3d 1206, 1220 (Fed. Cir. 2005); *Thompson v. U.S. Dept. of Housing & Urban Devel.*, 404 F.3d 821, 828 (4th Cir. 2005); *Blansett v. Continental Airlines, Inc.*, 379 F.3d 177, 180 (5th Cir. 2004); *Abston v. Ryan*, 120 Fed.Appx. 659 (9th Cir. 2004); *Neo Gen Screening, Inc. v. New England Newborn Screening Program*, 187 F.3d 24, 29 (1st Cir. 1999); *United States v. Belitz*, 141 F.3d 815, 819 (8th Cir. 1998); *Breshear v. Wal-Mart Stores, Inc.*, No. 96-5542, 1997 WL 397219, at *1, 117 F.3d 1420 (6th Cir. July 10, 1997); *Parks v. AlliedSignal, Inc.*, 113 F.3d 1327, 1334 (3rd Cir. 1997); *Stagl v. Delta Airlines, Inc.*, 52 F.3d 463, 473 (2d Cir. 1995).

Docket No. RM2007-1, Order No. 43 at 69 (adopting 39 C.F.R. § 3010.61(a)(7)) (emphasis added); *see also* Time Warner Comments at 6-9 (discussing same).

(2) More fundamentally, NPMHU ignores the underlying *structure* and *purpose* of section 3622(d)(1)(E). Words and phrases in a statute should be interpreted not in isolation, but in light of the underlying purpose and context of the statute *as a whole*. *Albuelhawa v. United States*, 129 S.Ct. 2102 (2009); *Dolan v. USPS*, 546 U.S. 481 (2006). The underlying purpose of 39 U.S.C. § 3622(d) is to limit overall rate increases for each class of mail to the rate of increase in the Consumer Price Index. See AMA Motion to Dismiss (July 26, 2010) at 6-17 (discussing language and legislative history of 39 U.S.C. § 3622(d)). Giving a narrow scope to the exception in section 3622(d)(1)(E) for "extraordinary or exceptional" circumstances is essential to preserving the incentive effect of the index-based price cap, and protecting customers if the regulated monopoly fails to respond adequately to the incentives. AMA Motion to Dismiss at 9-15. That is precisely why exigency provisions of this kind have tended to be very narrowly drawn. *Id*. at 12-13; AMA Comments at 10-11. The string of citations to general objectives and factors of sections 3622(b) and (c) that NPMHU offers as evidence of a preference for higher rates over lower rates cannot trump section 3622(d)(1), the specific provision actually at issue. It is NPMHU's position, not AMA's, that would nullify the key provision and policies of the statute.[4]

[4] Valpak's suggestion that responsibility for deciding whether "'extraordinary or exceptional circumstances' exist" rests with the Board of Governors rather than the Commission (Valpak at 13) reflects a similar disregard for the larger

(3) NPMHU tries to brush off the August 9 comments of Senator Collins on the proper interpretation of section 3622(d)(1)(E) on the theory that the legislative statements offered by her were made too late (because they were made after the legislation became law) or too early (because they predated the supposed watering-down of the language in the final legislation). NPMHU Comments at 4-13 & n. 6. Neither of these criticisms is well founded. First, Senator Collins supported her post-enactment statements with detailed citations to the pre-enactment drafts and drafters' statements. Second, as noted above, NPMHU reads far more into the relatively modest last-minute changes in the draft language than the language will bear. Third, none of the final changes in the draft legislation cited by NPMHU support the notion that exigent circumstances include "variances in volume levels" and other "contingencies for which postal

---

context of the statute. First, section 3622(d)(1)(E) applies to market dominant products; and PAEA manifests a clear intent that rates for market dominant products shall continue to be regulated by the Commission. *See* 39 U.S.C. §§ 3621-3629. Second, Congress specifically delegated the authority to devise a system for regulating rates on market dominant products—including exigent increases on such rates—to the Commission—not the Postal Service or the Governors. 39 U.S.C. §§ 3622(a) and (d)(1). The Commission's rules for exigent cases, which were adopted pursuant to this delegated authority, clearly contemplate that the Commission, not the Board of Governors, will have the final say over whether "extraordinary or exceptional circumstances" exist. See 39 C.F.R. §§ 3010.61(a)(3) and (4), 3010.62, and 3010.65(f)(1). Even if this allocation of authority had not been *mandated* by PAEA, the Commission's assertion of authority to review Postal Service findings about the existence of "extraordinary or exceptional circumstances" under section 3622(d)(1)(E) clearly would be a permissible exercise of the Commission's discretion in interpreting an assertedly ambiguous part of a statutory scheme that 39 U.S.C. § 3622(a) "clearly delegated to the Commission to implement and thereby to interpret." *USPS v. PRC*, 599 F.3d 705, 710 (D.C. Cir. 2010) (citing *Chevron v. Natural Resources Defense Council*, 467 U.S. 837 (1984)).

management can reasonably be expected to plan, and for which it must be expected to adjust." Sen. Collins Comments at 3 (citing 2004 testimony of former PRC Chairman George Omas).

(4) Finally, the precise interpretation of "extraordinary or exceptional" has been rendered moot by the Postal Service's switch to a ten-year loss projection of $115 billion as justification for the exigent increase. NPMHU's comments assume that the circumstances offered by the Postal Service here as "extraordinary or exceptional" would be the "Great Recession of 2008 and the severe drop in mail volume that it caused." NPMHU Comments at 3 n. 2. Even NPMHU does not claim that the longer-run factors underlying the $115 billion ten-year loss projection now relied on by the Postal Service—including the rise of the Internet, the resulting decline in mail volume, and the Postal Service's perennial excess capacity and above-market rates of compensation—are "extraordinary or exceptional" circumstances within the meaning of section 3622(d)(1)(E).

III. THE POSTAL SERVICE COULD GENERATE BILLIONS OF DOLLARS OF ADDITIONAL SAVINGS EACH YEAR THROUGH "BEST PRACTICES OF HONEST, EFFICIENT AND ECONOMICAL MANAGEMENT."

The Postal Service's August 25 responses to the questions posed in Presiding Officer's Information Request No. 5 underscore that the Postal Service's projected losses reflect a failure to employ "best practices of honest, efficient, and economical management" within the meaning of 39 U.S.C. § 3622(d)(1)(E), and that the ten-year time horizon of the loss projections that the Postal Service now offers to justify its above-CPI rate increase proposal multiplies the Postal Service's opportunities to get its costs under control. *Cf.* AMA Motion to Dismiss at 21-57; AMA Comments at 14-23.[5] In particular:

1. The Postal Service assumes that mail volumes will decline by only nine percent, an average of less than *one percent per year*, from FY 2010 to FY 2020. POIR.5.Q.32.McK.Mngmnt.REDACTED.xls ("McKinsey $115B spreadsheet"), Tab 1b, Row 56. Such small annual declines in mail volume are neither extraordinary nor exceptional. They certainly are not too big to be manageable through "best practices of honest, efficient, and economical management."

[5] Notwithstanding the Presiding Officer's explicit requests, the Postal Service still has failed to provide a transparent explanation for the $115 billion in losses it claims to project for the decade ending in FY 2020. The public versions of the spreadsheets produced by the Postal Service in response to POIR 5, Question 32, like the data produced by the Postal Service in response to the follow-up questions of ANM/MPA, are populated with numerical values rather than formulas. The Commission needs to take care to verify these numbers against the "linked" nonpublic version of the model. Without checking the links, one cannot rule out the possibility that additional adjustments were made to these figures in other tabs of the model.

In response to POIR 5, Question 32, the Postal Service also provided a spreadsheet for McKinsey's "Base Case" scenario, which projected a $238 billion loss over the next decade. POIR.5.Q.32.McK.Base.REDACTED.xls. This scenario is an obvious scare tactic, offered only to make the $115 billion loss projection look reasonable by comparison. For example, in addition to the flaws in the $115 billion projections, this scenario "rolls forward" costs from now-obsolete financial projections of a much larger loss in FY 2010 than the USPS has subsequently projected in this proceeding. Tab 1a, cell E19. Also, despite projected declines in mail volume, the $238 billion loss figure assumes that the Postal Service's headcount will not decline *at all* over the next decade. Tab 1b, Row 67.

2. The Postal Service also assumes that its massive excess capacity will continue. *See* USPS responses to POIR No. 5, Questions 8-10.

3. The Postal Service and its consultants project that the number of full-time employees ("FTEs") at the end of each year will drop by only 8.5 percent over the next decade, from 647,000 in FY 2010 to 592,000 in FY 2020. McKinsey $115B Spreadsheet, Tab 1d, Row 62. Again, this is less than one percent per year. Head count reductions of this magnitude amount to only a small fraction of the reductions that the Postal Service could achieve through attrition alone. Much more significant headcount reductions could be achieved by FY 2020 even without layoffs: 344,000 employees – more than six times the projected reduction in year-end FTEs from FY 2010 to FY 2020 – will be retiring from FY 2010 to FY 2019. McKinsey $115B Spreadsheet, Tab 1b, Row 68.

4. The percentage of Postal Service employees who are non-career employees is projected to remain essentially unchanged, increasing from 9.8 percent of the workforce in FY 2010 to 10.5 percent in FY 2020. McKinsey $115B Spreadsheet, Tab 1b, Row 70. For an organization that has repeatedly professed to need much more flexibility in its workforce—implying a larger percentage of non-career employees—this projected performance is astonishing. Given the projected retirement of 344,000 employees during this

period, efficient and economical management practice clearly could achieve much more.

5. During the past two years—the period when the Postal Service supposedly fell into financial straits desperate enough to warrant forcing its captive customers to absorb rate increases far above the rate of inflation—the Postal Service made no effort to renegotiate the provisions of existing contracts that preclude layoffs and furloughs of most unionized employees. USPS Answers to POIR No. 5, Questions 4 and 6.

6. The Postal Service has been unable to develop a plan for furloughing non-union employees. USPS Answer to POIR NO. 5, Question 5.

7. The Postal Service has not asked its unions to reopen existing collective bargaining agreements to renegotiate the sizeable compensation premiums of Postal Service employees, who now receive more than $80,000 in annual wages and benefits on average. USPS Answer to POIR 5, Question 4(c). This inaction means that the Postal Service's compensation costs have continued to rise above the levels consistent with best practices of efficient and economical management.[6]

---

[6] Earlier today, the Bureau of Labor Statistics reported that unit labor costs in the quarter ending on June 30, 2010, were lower in the business sector, the nonfarm business sector, the manufacturing sector, the durable manufacturing sector, and the nondurable manufacturing sector than in the same quarter of 2009. Bureau of Labor Statistics, *Economic News Release:*

8. The Postal Service and its consultants project that average compensation will increase by 28 percent over the next decade, from $41.89 per hour in FY 2010 to $53.41 per hour in FY 2020. McKinsey $115B spreadsheet, Tab 4a, Row 24. These projections imply that no serious effort will be made to achieve compensation comparability in the next decade. This is an astonishing admission, given that unemployment rates are projected to remain high for an extended period, and average seniority should decline over the next decade because of the large number of employees that the Postal Service expects will retire during this period.

9. Personnel compensation expenses are projected to increase from $58.2 billion in FY 2010 to $65.3 billion in FY 2020, increasing the potential savings from eliminating the existing compensation premium. McKinsey $115B Spreadsheet, Tab 1b, Row 18.

To find that this business-as-usual incrementalism satisfies the statutory requirement of "honest, efficient and economical management" would make the $115 billion loss projection a self-fulfilling prophecy. Postal labor, for its part, has made clear that it has no intention of making any concessions voluntarily.[7] The unions' leadership can hardly be criticized for

---

Productivity and Costs, Second Quarter 2010, Revised (September 2, 2010) (available at http://stats.bls.gov/new.release/prod2.nr0.htm).

[7] See APWU Convention News Bulletin 01-10 (Aug. 24, 2010) at 1 (quoting APWU President William Burrus) ("Despite the nation's frail economy, 'We can point with pride to the fact that our members were shielded from the tragic effects of layoffs and downsizing.'"); *id*. (according to Mr. Burrus, APWU's goals in the next round of contract negotiations are, among other

this posture; trying to extract more rather than less is their job. But section 3622(d)(1)(E) does not entitle postal management to put up as little resistance as the Postal Service's responses to POIR 5 suggest, and then expect captive mailers to pick up the tab through above-inflation rate increases. Throwing $3 billion a year extra into the kitty by approving an above-CPI rate increase can only weaken the Postal Service's negotiating hand with postal labor. For the PAEA to work as intended—i.e., for the Postal Service to limit its price increases to inflation by controlling costs, just as the private sector has done—the "honest, efficient, and economical management" provision must be enforced.

---

things, to "increase wages" and "achieve more gains"); APWU Convention News Bulletin No. 3 at 3 (statement of NALC President Fredric Rolando) ("If the Postal Service comes to the bargaining table with the intent to 'gut our jobs and benefits, they will have a bloody fight on their hands because we can and we will resist any such demands.'").

CONCLUSION

For the foregoing reasons, the Postal Service's Request should be denied in its entirety.

Respectfully submitted,

Ian D. Volner
David M. Levy
Matthew D. Field
VENABLE LLP
575 Seventh Street, N.W.
Washington DC 20004
(202) 344-4800
idvolner@venable.com
dlevy@venable.com

Counsel for Affordable Mail Alliance, Alliance of Nonprofit Mailers, Association for Postal Commerce, and Magazine Publishers of America

David R. Straus
THOMPSON COBURN LLP
1909 K Street, N.W.
Suite 600
Washington DC 20006
(202) 585-6921
dstraus@thompsoncoburn.com

Counsel for American Business Media

Anthony W. Conway
Executive Director
ALLIANCE OF NONPROFIT MAILERS
Suite 610
1211 Connecticut Avenue, N.W.
Washington DC 20036-2705
(202) 462-5132
Tony@nonprofitmailers.org

For Alliance of Nonprofit Mailers

C. Hamilton Davison
President & Executive Director
AMERICAN CATALOG MAILERS ASSOCIATION, INC.
PO Box 41211
Providence RI 02940-1211
(800) 509-9514
hdavison@catalogmailers.org

For American Catalog Mailers Association, Inc.

Jan Poling
VP, General Counsel & Corporate Secretary
AMERICAN FOREST & PAPER ASSOCIATION
1111 19th Street, NW, Suite 800,
Washington, D.C. 20036
(202) 463-2590
Jan.poling@afandpa.org

For American Forest & Paper Association

Maynard H. Benjamin, CAE
President and CEO
ENVELOPE MANUFACTURERS ASSOCIATION
500 Montgomery Street, Suite 550
Alexandria VA 22314-1565
(703) 739-2200
mhbenjamin@envelope.org

For Envelope Manufacturers Association

Mury L. Salls
DST MAILING SERVICES
1100 Investment Blvd
El Dorado Hills, CA 95762

President, Major Mailers Association

Jerry Cerasale
Senior Vice President for Government Affairs
DIRECT MARKETING ASSOCIATION, INC.
1615 L Street, N.W., Suite 1100
Washington DC 20036
jcerasale@the-dma.org

Counsel for Direct Marketing Association, Inc.

Ken Garner
President & CEO
MAILING & FULFILLMENT SERVICE ASSOCIATION
1421 Prince Street, Suite 410
Alexandria VA 22314-2806
(800) 333-6272

For Mailing & Fulfillment Service Association

Tonda F. Rush
KING & BALLOW
PO Box 50301
Arlington VA 22205
(703) 237-9801
trush@americanpressworks.com

Counsel to National Newspaper Association

William B. Baker
WILEY REIN LLP
1776 K Street NW
Washington DC 20006
(202) 719.7255
wbaker@wileyrein.com

Counsel for National Postal Policy Council

Michael Makin
President & CEO
PRINTING INDUSTRIES OF AMERICA
200 Deer Run Road
Sewickly PA 15143
(412) 741-6860
mmakin@printing.org

For Printing Industries of America

Joseph E. Schick
Director, Postal Affairs
QUAD/GRAPHICS, INC.
N63W23075 State Hwy 74
Sussex, WI 53089
(414) 566-4134
joe.schick@qg.com

For Quad/Graphics, Inc.

Gian-Carlo Peressutti
Senior Vice President, Public Affairs
RR DONNELLEY
99 Park Avenue
New York NY 10016
(212) 502-1391

For RR Donnelley

September 2, 2010