

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

_____)	
Public Inquiry on Modification of Service)	Docket No. PI2022-3
Performance Measurement Plan)	
_____)	

**COMMENTS OF MPA – THE ASSOCIATION
OF MAGAZINE MEDIA**

(May 18, 2022)

Pursuant to Order No. 6159,¹ MPA – The Association of Magazine Media (“MPA”) respectfully submits these comments on the Postal Service’s proposed revisions to its market dominant service performance measurement plan. Specifically, MPA opposes the Postal Service’s proposal to move the critical entry time (CET) for almost all Periodicals volume to 8:00 AM (a 3-to-6 hour shift forward of the CET for most publications).

The USPS Proposal Constitutes a “Change in the Nature of Postal Services”

We are cognizant of the Commission’s reminder “that the scope of this docket is limited to the Postal Service’s proposed revisions to its SPM Plan, not the propriety of any underlying service standard changes that have been or will be addressed by the Commission in a separate docket.”² The Commission’s admonition is misplaced, though, with respect to the proposed change to Periodicals CETs. First, it ignores the reality that the Postal Service’s proposed SPM Plan changes are inextricably

¹ Docket No. PI2022-3, Order No. 6159 – Notice and Order Initiating Proceeding to Consider Modifications to Market Dominant Service Performance Measurement Plan (April 26, 2022) (“Order No. 6159”).

² See Order No. 6159, at 2.

intertwined with, and will lead to, service level changes for Periodicals on a substantially nationwide basis.³ Second, while referring to *other* underlying service standard changes being addressed in separate dockets, it ignores the threshold question of whether *these* Postal Service proposals are themselves service standard changes that necessitate a separate docket. They are.

This proposal is not just a change in how the Postal Service measures on-time service performance for Periodicals; rather, it is a degradation to the service standard for a very large volume of Periodicals. Discussions with our members indicate that implementation of the new CET will potentially slow delivery of approximately 30 percent of Periodicals mail by one day. Thus, the PAEA and its governing regulations require the Postal Service to give advance notice of these plans to change its service standards and to request from the Commission an advisory opinion on the changes.⁴

³ Even the Postal Service recognizes that its proposed SPM Plan changes are part and parcel with service performance. See Docket No. PI2022-3, United States Postal Service Notice of Filing Changes to Service Performance Measurement Plan Document (April 22, 2022) at 4 (“The Postal Service anticipates that this initiative will improve service performance for Periodicals.”).

⁴ 39 U.S.C. § 3661(b) (for “a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis,” USPS “shall submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Regulatory Commission requesting an advisory opinion on the change.”); 39 C.F.R. § 3020.112 (“Whenever the Postal Service determines to request that the Commission issue an advisory opinion on a proposed change in the nature of postal services ... [it] shall file with the Commission a formal request for such an opinion ... not less than 90 days before the proposed effective date of the change in the nature of postal services involved.”).

The Proposal Will Harm Periodicals Weeklies and Consumers With Little and Unquantified Countervailing Benefits to the Postal Service

In its request, the Postal Service proposes changing the CET for all Periodicals not entered on Pure Carrier Route pallets to 8:00 AM. Table 1 below identifies current and proposed CETs for Periodicals affected by this change.

Table 1: Current and Proposed Periodicals Critical Entry Times

	Current	Proposed
FSS No Bundle Sort Required, 5-Digit/Scheme Container	11:00 AM	8:00 AM
Non-FSS No Bundle Sort Required, 5-Digit/Scheme Container	2:00 PM	8:00 AM
Non-FSS Bundle Sort Required, 3-Digit and Up Container	11:00 AM	8:00 AM

Source: USPS-LR-PI2022-3-1, iSPM_RevPlan_RED-LINE – 4-21-22.pdf, p. 72, Table 10-1.

Of particular concern, this moves the CET for Periodicals entered on 3-Digit and less-presorted containers at non-FSS facilities forward by three hours, from 11:00 AM to 8:00 AM, pushing the start of the service performance clock for a substantial volume of magazines back a day.

The vast majority of Periodicals volume is prepared on 3-Digit and less-presorted containers and entered at non-FSS facilities.⁵ And our discussions with member publishers indicate that a substantial percentage – about 30 percent – of Periodicals are currently entered in the 8:00 to 11:00 AM window and would have their start-the-clock pushed back by a day under the USPS proposal. Moving the CET for this type of mail forward to 8:00 AM would be particularly problematic for weekly titles whose just-in-time

⁵ Nearly 89 percent of Periodicals Outside County bundles are prepared on 3-Digit/Less Containers. See Docket No. ACR2021, USPS-FY21-4, FY21 Periodicals BDs.xlsx, “Total Outside County FY 2021”, sum(K59:K75) / sum(K59:K79).

schedules are geared towards ensuring the publication arrives in subscribers' mailboxes by the desired in-home window, typically prior to the weekend.

Weekly magazines often close editorial late on Monday so that the publication can go to press soon thereafter with magazines arriving in subscribers' mailboxes by Friday, in time for weekend reading. Given this tight production schedule, long lead times for establishing and changing manufacturing schedules, and the potential for logjams occurring at postal facilities prior to an earlier CET, it is not feasible that weekly publishers could simply accelerate entry at postal facilities forward by three hours. Furthermore, our members' transportation providers report that some Postal Service facilities are unwilling to unload trucks in the middle of the night - when facilities are typically processing outgoing mail - even when publishers have Facility Access and Shipment Tracking (FAST) appointments, a problem that would be exacerbated with an earlier CET.

This proposal thus places publishers of weekly magazines between the proverbial rock and a hard place. If such publishers keep their editorial schedule, then they will miss the critical pre-weekend delivery window for a substantial portion of their magazines. If, instead, publishers close editorial a business day earlier (i.e., by the prior Friday) in an effort to meet the earlier CET, then that will preclude weeklies from capturing the prior weekend's events in that issue. Neither option is tenable, and both of them will substantially reduce the value of magazines to our members' subscribers and lead to reductions in subscriber bases and Periodicals mail volume.

And while the implementation of an earlier CET will negatively impact a substantial portion of weekly Periodicals, doing so would generate little offsetting gain

for the Postal Service. Monthlies – which will be less impacted by the proposed new CET - comprise most of the Periodicals class. Weeklies constitute a small (and declining) percentage of Periodicals.⁶ Thus, by retaining the 11:00 AM CET for weekly magazines entered in Carrier Route bundles on SCF/3-Digit and more finely presorted containers at non-FSS facilities, the Postal Service could limit the negative effect of the proposal while still implementing the proposed CET change for the majority of the Periodicals class that would be less affected.

In sum, the Commission should direct the Postal Service to seek an advisory opinion regarding its proposed CET change pursuant to 39 U.S.C. § 3661(b). Concurrently, the Commission should encourage the Postal Service to work with publishers and the broader mailing industry to develop a workable solution that maintains the value of weekly magazines.

Respectfully submitted,

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⁶ See United States Postal Service, The Household Diary Study: Mail Use & Attitudes in FY 2020, at 51 (April 2021) (filed with the PRC July 13, 2021) (showing that Weekly Magazines comprised only 12.5 percent of magazines received by households in FY 2020).