

**BEFORE THE  
UNITED STATES POSTAL SERVICE**

**New Standards for Domestic Mailing            )**  
**Services, Revised Proposal                        )**  
**74 Fed. Reg. 6250 (February 6, 2009)        )**

**JOINT COMMENTS OF  
ASSOCIATION FOR POSTAL COMMERCE,  
DIRECT MARKETING ASSOCIATION,  
ALLIANCE OF NONPROFIT MAILERS, AND  
MAILING AND FULFILLMENT SERVICE ASSOCIATION  
ON PROPOSED RULE**

The Association for Postal Commerce (“PostCom”), the Direct Marketing Association, the Alliance of Nonprofit Mailers, and the Mailing and Fulfillment Service Association (collectively “PostCom *et al.*”) file these joint comments on the Postal Service’s proposed new standards for domestic mailing services (“Revised Proposal”).

Our comments are based on careful evaluation of the proposal by each of our large memberships. We do not attempt to address the full range of concerns of all of the undersigned associations and our members; some may also file comments separately.

In Section I, we collectively express an overarching industry concern about the unintended consequences of Postal Service efforts to reduce its costs. In Section II, we propose a new process for the Postal Service to collaborate with industry to minimize the unintended consequences of revising its rules. In Section III, we address concerns more specific to the Proposed Rule.

**I. The Postal Service Should Recognize An Unintended Consequence of its Efforts To Achieve Greater Operational Efficiency.**

The Postal Service's proposed changes to domestic mailing services represent the most recent in a collection of proposals that, if adopted, would diminish the value of mail as an advertising medium, and impose significant additional costs on industry. At a time when the Postal Service is struggling to retain existing volume, it can ill afford to push its customers towards alternative media by further restricting the creative mail design options afforded to mailers. In pursuing enhanced operational efficiency, the Postal Service should not lose sight of why its commercial and nonprofit customers are using the mail. The value of a solicitation mailpiece lies in the response it generates. Frequently, it is uniqueness that generates response.

Commercial and nonprofit entities evaluate the expected return of a direct mail campaign relative to other media choices. This expected return is influenced by comparing the expected ability of the medium to generate sales, donations, responses, or other action from the audience or recipient, against the expected costs of that medium. For mail, these costs include not only postage, but also the costs of printing, mail preparation, and mail entry. Changes to Postal Service eligibility rules that restrict design creativity or increase mail preparation costs directly reduce the expected return of a direct mail campaign relative to other media options.

In considering whether to propose or adopt new rules, the Postal Service should weigh any potential cost savings against the potential loss of mail volume and revenue that are also likely to result from causing would-be mailers to choose other marketing media. To maintain operational efficiency, the Postal Service must maintain throughput. To maintain throughput, the Postal Service must not stifle creative use of the mail.

## **II. The Postal Service and Industry Need a New Process**

PostCom *et al.* strongly urge the Postal Service to adopt a new process to work with its customers when considering revisions to mailpiece design standards. While we commend the Postal Service for the consultative testing approach it took with exploring booklet designs and now is taking with self-mailer characteristics, the Postal Service should take additional steps to communicate better with its customers and their service providers. The Postal Service could achieve such a dialogue through its existing Mailers Technical Advisory Committee (MTAC) or some other venue. To be successful, this process should include the elements outlined below, most of which are not evident in recent rule changes advanced by the Postal Service.

**Hold Discussions In Advance of Rulemaking.** A notice of proposed rulemaking without advanced dialogue between the Postal Service and its customers does not provide the opportunity for industry to understand fully the issues the Postal Service perceives, or for the Postal Service to understand the potential effect of any contemplated changes on the Postal Service's customers. To our knowledge, the Postal Service has not engaged its customers in meaningful discussions about the impact of these proposed changes, particularly for flats.

The mere announcement of a proposed rule is an action that has consequences. Although a requirement may be ill-advised and ultimately withdrawn, the proposal alone has the potential to stifle investment in ongoing activities, such as new mailpiece design and redesign, that would be affected by rule changes. This is an unintended impact of

Postal Service regulatory action, and an undesirable one for both the Postal Service and industry, particularly when the proposed rule is ultimately withdrawn.

We therefore recommend that discussions between the Postal Service and industry concerning potential changes to mailpiece design standards and mail preparation and entry requirements take place well in advance of the formal notice and comment process. Ideally, there should be a regular meeting of Postal Service, customers and their service providers to discuss the issues involving each market segment or Postal Service processing category (e.g., letters, flats, parcels). In this manner, the Postal Service can engage its customers earlier in the process and work in concert to develop solutions—before options are narrowed and positions are hardened by the filing of a formal notice of proposed rulemaking.

**Perform Formal Testing and Share Test Results.** In its Revised Rule, the Postal Service proposes a host of restrictions on mailpiece design, including, but not limited to: restricting on the use of “non-paper” outer surfaces for letters, revisions to flats flexibility/deflection standards, revisions to use of polywrap on flats, and new standards for flats containing inserts. To our knowledge, the Postal Service has performed no formal testing on these design characteristics to determine the extent to which specific characteristics affect Postal Service operational efficiencies. We recommend that when the Postal Service perceives that mailpieces that meet existing standards are impeding operational efficiency, the Postal Service should inform mailers, so that mailers have an opportunity to have a two-way discussion of these concerns with the Postal Service before it issues proposed and final regulations that may have unintended consequences.

The Postal Service should then work jointly with industry to design and perform tests to isolate, if possible, those mailpiece characteristics that cause significant loss of Postal Service's operational efficiencies, such as but not limited to reduction of machine throughput, increase in equipment jams, or increased Postal Service employee workhours. Testing also should include live mailpieces whenever possible to minimize the Postal Service's costs of mailpiece fabrication and to provide test pieces that are representative of real mailer production processes and materials.

In addition, when the Postal Service identifies mailpiece designs that test favorably, , whether through engineering testing or through the PCSC approval process, the Postal Service should publish information describing the characteristics of the piece approved, including any waivers of or exceptions from particular DMM provisions that may have been granted. Publication should be accomplished through Customer Support Rulings (CSRs) or other channels that other customers can easily access in the future. Widespread communication will reduce the number of exception/approval requests to the Postal Service from multiple companies concerning the same design variances. In addition, service providers such as printers should be allowed to request rulings on designs that they then can use for multiple clients.

**Consider Revenue Impact, Not Merely Operational Cost Savings.** Changes to mailing standards that restrict customer mailpiece design options should be considered not only from the Postal Service's operational perspective, but also from the perspective of the impact on the effectiveness of the mailpiece for marketing, advertising, and other postal commerce. Ultimately, the impact on mailstream revenue/volume should be a key consideration by the Postal Service prior to proposing such revisions.

The Postal Service in its revised standards proposes changes that would further restrict customers' creative design options and further shift costs to mail preparers. Both effects induce customers to re-evaluate their use of the mail.

Ideally, the Postal Service should have an organizational structure that results in a better understanding of its customers needs by market segment. The Postal Service's representatives for each market segment should be an integral part of the internal process for reviewing proposed rules, in order to provide feedback within the organization as to the potential customer impacts. These Postal Service managers should have established relationships with key industry representatives and major customers within their assigned market segment who they can engage in discussions as issues arise. Using such a process, the Postal Service could avoid publishing proposed rules that it subsequently retracts after being provided with customer feedback.

**Explore Alternatives Jointly With Industry.** As part of this process, the Postal Service and industry should work in concert to explore more aggressively and creatively better alternatives to restrictive mailpiece design standards. Alternative approaches that should be jointly considered include new product definitions/prices, alternative preparation/entry processes that minimize the impact of the design issues on Postal Service automated equipment or other operations, or other compromise approaches that mitigate or avoid the harm to customers and the impairment of their use of the mail.

PostCom *et al.* are unaware of any discussions between the Postal Service and affected mailers or their service providers concerning possible alternatives to these revisions in mailing standards proposed by the Postal Service.

**Engage Service Providers As Well As Mail Owners.** The Postal Service should engage in this process not only mail owners, but their service providers, who routinely serve as expert liaisons for mail owners on postal matters.

**Provide Adequate Lead Time Before Implementation.** When necessary changes to mailpiece design standards are identified through this recommended process, the Postal Service should provide as much formal advance notice as possible to allow customers and service providers to make the necessary changes to processes and materials, and to use up existing inventories. If the recommended process were followed, customers and their service providers would be aware of these issues very early in the process and would be able to work with the Postal Service to establish adequate implementation time lines.

With a Final Rule not likely to be published until early April at best, the May 2009 implementation time line proposed by the Postal Service for many of the requirements in this rulemaking will provide customers with very little lead time to make the necessary changes to processes, materials and operations. Most companies already have their 2009 budgets in place and will not be able to make the necessary investments to accommodate some of the proposed requirements in 2009. Investment capital for small business is scarce, and cost overruns will be impossible for struggling companies to absorb. PostCom *et al.* outline in Section III B their specific comments on implementation time lines for proposed changes that would be problematic to implement by May 2009.

### **III. Analysis of the Proposed Rule**

#### **A. General Comments on Proposed Requirements**

**Recommendations and Guidelines.** In several places in its Proposed Rule, the Postal Service includes “recommendations” or “guidelines” that are not requirements. Those “recommendations” and “guidelines” should be deleted. As PostCom *et al.* stated in its recent comments in response to the Postal Service's proposed rules for Automation Letter-Size Booklets and Folded Self-Mailers, The *Domestic Mail Manual* (DMM) is not a guidance document. It is used by customers and acceptance clerks to identify the Postal Service’s price eligibility requirements. Including recommendations and guidance in this document makes for ambiguous rules, which can confuse acceptance clerks into misinterpreting recommendations as requirements, causing mail entry to be held up while competing interpretations are reconciled. Alternatively, misinformed customers could simply assume unnecessary costs.

We urge the Postal Service to take all recommendations and guidelines out of the proposed rule before it is finalized. The Postal Service publishes a variety of support publications which contain such guidelines. Any recommendations should be included in one of those publications, if warranted.

Finally, because today’s recommendations tend to become tomorrow’s requirements, the undersigned parties would oppose any formal Postal Service proposal to change such recommendations into requirements without consultation with industry, and joint Postal Service-industry testing to assess the operational value of the change in advance of a formal rulemaking proceeding.

## **B. Comments on Requirements For Letters**

**Revised List of Nonmachinable Characteristics.** Proposed DMM 201.2.1, which applies to Commercial Mail Letters and Cards, states that “[a] letter-size piece is nonmachinable if it has *an exterior surface that is not made of paper* or if it does not meet the standards in 201.3.0.” In addition, proposed DMM 202.3.3 of, which contains recommendations on static and coefficient of friction, also states, “[t]he exterior surface of letter-sized machinable and automation mailpieces must be made of paper material...”. These provisions, taken together, might suggest that the proposed rule would make paper envelopes with windows non-machinable. But revised DMM 101.1.2, which applies to Retail Mail Letters, Cards, Flats and Parcels, states that “[p]aper envelopes with windows prepared under [DMM] 202.5.8 and 601.6.3 do not make mailpieces nonmachinable.”

We assume that the Postal Service’s does not intend to prohibit all window envelopes from qualifying as automation letters. Therefore, we urge the Postal Service to clearly state in the appropriate DMM section for Commercial Mail Letters and Cards that the window envelopes do not constitute “an exterior surface that is not made of paper” within the meaning of DMM 201.3.3, and window envelopes do not make these mailpieces nonmachinable or nonautomation. (If it is the Postal Service's intent to prohibit window envelopes from qualifying as machinable and automation letters, PostCom *et al.* vehemently opposes this revision. The Postal Service has offered no justification for such a change, which would have a detrimental effect on business mailers.)

In addition, the proposed requirement that the exterior surface of letter-sized machinable and automation mailpieces must be made of paper material with a specified

static and coefficient of friction appears to prohibit designs that have non-paper attachments on the inside or outside of the piece, such as stickers, tipped-on cards, scratch offs, magnets, or other materials. These mechanisms are frequently used to increase response rate, an outcome that benefits both the customer and the Postal Service. It is also unclear whether the “non-paper” requirement would prohibit use of envelopes made of Tyvek, or clear plastic, poly, or eco-friendly materials that are not “paper.”

To our knowledge, the Postal Service has not conducted testing on the wide variety of designs or envelope materials that would be prohibited by a strict interpretation of “nonpaper surfaces,” and therefore is unable to distinguish those designs that process with no issue from those that may be problematic.

Therefore, the Postal Service should remove this proposed requirement from any final rules it may issue, until such time as the appropriate testing and customer dialogue has taken place, as described in the process outlined in Section II of these comments.

**Static and Coefficient of Friction.** The Postal Service's Proposed Rule DMM Section 201.3.3 states that “[t]he exterior surface of letter-sized machinable and automation mailpieces must be made of paper material, with the following recommended characteristics: a. Static charge of less than 2 KV when tested using test method ASTM D4470. b. Kinetic coefficient of friction between 0.26 and 0.34 when tested as paper to same paper using test method ASTM D4917.”

As stated in our general comments above,<sup>1</sup> the Postal Service should delete recommendations from the proposed DMM language. Because current recommendations could become future requirements, we offer these further comments. PostCom *et al. et al.* oppose any requirements that concern the paper characteristics of static charge and

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<sup>1</sup> See Section III A *supra* at p. 7.

coefficient of friction. Customers and their service providers cannot test whether pieces have met the requirement; there is no viable paper certification process; and the Postal Service has no way to verify at acceptance that the requirements have been met. These recommendations therefore are impossible to measure or enforce. Furthermore, we observe that the testing method referred to for purposes of testing kinetic coefficient of friction is for uncoated stock, so the proposed rule is ambiguous as to its applicability to coated stock.

**New Minimum Thickness for Automation and Machinable Letters.** The Proposed Rule would eliminate the existing DMM provision in 201.3.2c(1) that allows machinable and automation letter-size pieces and Standard Mail ECR letters to be 0.007 inch thick if no more than 4-1/4 inches high or 6 inches long. The Postal Service offers no justification for eliminating this provision. Therefore, PostCom *et al.* oppose this change.

Furthermore, proposed Rule DMM Section 201.3.2c exempts cards eligible for and mailed at postcard prices from the new minimum thickness of 0.009 inch, but it is not clear whether this exemption also applies to Business Reply Mail (BRM) cards. We ask the Postal Service to clarify that BRM cards mailed at BRM prices can be 0.007 inch thick.

### **C. Comments on Requirements For Flats**

In the Proposed Rule, the Postal Service identified no operational issues with processing flats that meet existing requirements on the current automated flat sorting equipment. Nor does the Postal Service offer evidence that the proposed changes in the requirements for flats will improve machinability on either existing or anticipated

equipment. Rather, the Postal Service repeatedly has assured industry that its Flats Sequencing System (“FSS”) equipment is being designed to process successfully the existing spectrum of allowable flats characteristics. In sum, Postal Service offered no rational basis for tightening the deflection, flexibility and polywrap standards, and changing the insert standards.

**Flexibility Standards.** The Proposed Rule states that effective May 2009, the Postal Service will extend the eligibility for automation flats prices to “certain flat-size mailpieces that are not able to meet the flexibility standards in DMM 301.1.3, but that are able to demonstrate flats machine compatibility through a Pricing and Classification Service Center (PCSC)-administered testing process.”<sup>2</sup> To the extent that the testing process envisioned by the Postal Service in the Proposed Rule would allow flats to qualify for automation prices that would not do so under the existing DMM specifications, PostCom *et al.* support this proposed change. As described in Section II of these comments (at p. 5 above), we encourage the Postal Service to improve its communication process for sharing PCSC test results in an effort to (i) streamline the exception/approval process for like pieces submitted by other mailers, (ii) avoid duplication of Postal Service testing efforts and related costs, and (iii) allow service providers to obtain rulings on designs that then can be used by multiple clients without separate approvals.

The Proposed Rule further states that, effective May 2010, the Postal Service plans to replace the existing flexibility standards and the PCSC-administered process described in its Proposed Rule with a “single flexibility standard requiring all machinable flat-size mailpieces to be foldable, parallel to the length, to a height no greater than

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<sup>2</sup> 74 Fed. Reg. at 6251.

5 inches.”<sup>3</sup> The Postal Service states that flats failing to meet this level of flexibility may be categorized as irregular flats – a new category the Postal Service proposes to establish in May 2010.

The Postal Service should clarify exactly how the proposed flexibility standards apply to the mailpiece. For instance, how is the height measured for the foldability test described above? Is the 5-inch maximum the distance from the spine to the edge after the piece is folded flat? If that is the case, the maximum height of the flat would be 10 inches, two inches shorter than the 12-inch maximum height for automation flats in the current DMM specifications.<sup>4</sup> Or does the 5-inch maximum height for the foldability test measure the vertical space between the two edges of the flat when folded, assuming the piece does not fold entirely flat? Diagrams illustrating the exact test being proposed by the Postal Service are essential not only for mailers to comment intelligently on the proposed rules, but to prevent customers and Postal Service acceptance personnel from misinterpreting the requirement if adopted.

Furthermore, mailers also produce both polywrapped and enveloped pieces whose bound edge or spine is parallel to the height, not to the length. These pieces -- which process well on postal automation equipment -- would fold against the bound edge or spine, parallel to the *height* to no greater than 5 inches, but they would not fold against the bound edge or spine to 5 inches if the fold is strictly defined as “parallel to the length.”

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<sup>3</sup> 74 Fed Reg. at 6252.

<sup>4</sup> DMM 301.3.2.1.c

The lack of clarity of this proposed requirement makes comment on it difficult. Any requirement that would have the effect of reducing the maximum overall mailpiece dimensions for automation flats, however, would be extremely undesirable.

In addition, the establishment of additional flexibility standards for flats that largely will be processed by Flats Sequencing System (FSS) equipment is a source of great concern for our members. We understood that the FSS machines were designed to successfully process the complete spectrum of existing flats specifications. The Postal Service fails to substantiate the need for these additional flexibility standards. We reiterate the concerns we raise in Section II of these comments (at p. 2) regarding the need for the Postal Service to weigh any potential efficiency gains and related cost savings the rule may generate against the potential loss of mail volumes and revenue that the rule may cause.

**Polywrap Standards.** The Proposed Rule states that, effective May 2009, the polywrap standards in current DMM 301.3.3, which currently apply only to automation flats, will be extended to all flat-size mailpieces using polywrap, including saturation carrier route flats.<sup>5</sup>

While this change may not be a significant issue for large printers or for mailers or other mail service providers that largely produce automation flats, many small and mid-sized printers currently use polywrap that does not meet the existing standards for automation flats. We urge the Postal Service to engage this market segment in discussions to determine the extent of use of non-automation polywrap, the amount of polywrap inventory generally kept on hand, and the necessary transition period for these mailers to convert to polywrap that meets the existing standards for automation flats.

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<sup>5</sup> 74 Fed. Reg. at 6251; Proposed DMM 301.1.6.

**Polywrap Flats Dimensions.** The Postal Service also proposes that, effective May 2009, that polywrap selvage count against the maximum allowed height and length of polywrap flats. This proposed requirement is totally unacceptable, as well as unmanageable from a flats production standpoint.

The Postal Service asserts that “selvage that extends beyond the maximum height or length may interfere with efficient processing.” To our knowledge, however, the Postal Service has experienced no problems with polywrapped flats that meet the existing selvage requirements in DMM 301.3.3.3. If the Postal Service is experiencing significant problems with polywrap selvage caused by pieces that do not meet the existing requirements, it should focus its efforts on ensuring compliance with the existing standards. If the Postal Service is experiencing significant problems with polywrap selvage caused by pieces that do meet the existing requirements, the Postal Service should provide industry with specific information about the nature and extent of the problems, and work with industry to identify a viable solution. PostCom *et al.* are not aware of any such dialogue; nor are we aware of any testing to support making such a drastic change to the existing polywrap selvage standards.

**Deflection Standards.** The Postal Service proposes that, effective May 2009, it will extend the deflection standards that currently apply only to automation flats, to all flat-size mailpieces, except those mailed at saturation carrier route prices. It also proposes changing the existing standards to allow one inch less of vertical deflection (droop) than is now allowed. PostCom *et al.* strongly oppose the proposed deflection requirements. There is no rational basis for the proposed change. If the change is driven by the introduction to FSS, the Postal Service should stand behind its commitment to

industry that the FSS is being designed to successfully process the existing spectrum of eligible automation flats.

The Postal Service also proposes to eliminate the current exception to the deflection standards for oblong flats (those with bound edge on the shorter side) effective May 2009. This is a format widely used by catalog mailers, and PostCom *et al.* members have tested the format with Postal Service engineering with good results. The Postal Service does not offer any justification or rationale for the proposed change, which again would eliminate a popular format used by customers. We strongly urge the Postal Service to reconsider the elimination of this exception and work further with mailers to resolve whatever issues are being encountered.

**New Standards for Inserts.** The Postal Service proposes that, effective May 2010, it will implement new standards for all flats except those mailed as saturation carrier route flats, to “prevent inserts from falling out of the host flat-size mailpiece during normal sortation and delivery.”<sup>6</sup> The Postal Service proposes “that loose inserts less than 75% of the size of a host mailpiece be limited to single-ply unfolded cards, when the mailpiece is not enclosed in polywrap, an envelope, or other wrapper. Allowable loose inserts should be injected well into the body of the mailpiece.”<sup>7</sup>

The need for these specific restrictions is unsupported. If inserts are injected properly into the body of the host mailpiece, no further limitations on the types of inserts used should be necessary. The Postal Service offers no rationale for limiting inserts in size and type. Does the Postal Service intend to ban folded cards as inserts? Does the proposed rule limit the total number of inserts that can be included in one host piece?

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<sup>6</sup> 74 Fed. Reg. at 6252.

<sup>7</sup> *Id.*

This proposed requirement not only limits customers' use of the mail in terms of the host piece design, it limits their ability to market to their customers through use of inserts. Any of the proposed restrictions would prove costly to mailers of catalogs and periodicals. PostCom *et al.* strongly urge the Postal Service to evaluate more closely the issues involving inserts. Rather than abruptly making a such sweeping change with potentially significant market impact, the Postal Service's first course of action should be to work with problem mailers, if any, to resolve any perceived concerns with inserts. PostCom *et al.* ask the Postal Service to work with its customers and their service providers to develop a viable plan that does not jeopardize this mailstream.

**Irregular Flats Category.** The Postal Service proposes that effective in May 2010 it will establish a new "irregular flats" category.<sup>8</sup> Although the Postal Service generally describes the types of flats that would fall into this new category, the proposal cannot be evaluated intelligently without a more detailed definition. It would be helpful if the Postal Service would define or describe which pieces currently categorized as Not Flat-Machinable (NFM) would fall into the irregular flats category and which would fall into the machinable parcels category.

**Tray Preparation.** The Proposed Rule states that the Postal Service intends to simplify mail preparation by eliminating the bundling requirements for First Class Mail commercial flats, and that the new tray-based standards "streamline mail preparation and processing and improve efficiency for this type of mail."<sup>9</sup> . Some mailers are concerned that eliminating the use of bundle-based preparation for First Class mail flats may cause the presort levels of many of these flats to fall back from 5-Digit presort to 3-Digit

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<sup>8</sup> *Id.*

<sup>9</sup> 74 Fed. Reg. at 6251.

presort, and thus require each of these pieces (formerly in a 5-Digit bundle) to receive an additional sort (i.e., the sort from SCF/3-Digit to 5-Digit). While eliminating the use of bundle-based preparation has some appeal, these mailers are concerned that the additional flat sorting costs that would be imposed on the Postal Service may not be sufficient to offset the cost savings associated with the proposed tray-based preparation. PostCom asks the Postal Service to review the more detailed comments of Pitney Bowes concerning this issue, and examine the question collectively with industry before issuing a Final Rule.

**D. Comments on Requirements For Parcels**

The Postal Service proposes to remove the “definitions of irregular parcels from the mail preparation standards in DMM 465, 475, and 485, and provide references to the current definition of irregular parcels in DMM 401.”<sup>10</sup> The DMM sections cited in the proposed change, sections 465, 475, and 485, apply to Bound Printed Matter (BPM), Media Mail and Library Mail respectively.

The Postal Service should clarify whether this change has any substantive effect, or is intended merely to consolidate language and conform each of the three definitions of irregular parcels in DMM 465.5.1.1.b, 475.5.1.b, and 485.5.1.b to the definition in DMM 401.1.6.

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<sup>10</sup> 74 Fed. Reg. at 6251.

Please address any questions on these comments to the undersigned counsel.

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