

§ 3001.69b

the request and its circumstances justify a waiver of the requirement. A satisfactory explanation of the unavailability of information required under § 3001.64, or of why it should not be required to support a particular request, will be grounds for excluding from the proceeding a contention that the absence of the information should form a basis for rejection of the request, unless the party desiring to make such contention

(1) Demonstrates that, having regard to all the facts and circumstances of the case, it was clearly unreasonable for the Postal Service to propose the change in question without having first secured the information and submitted it in accordance with § 3001.64; or

(2) Demonstrates other compelling and exceptional circumstances requiring that the absence of the information in question be treated as bearing on the merits of the proposal.

[66 FR 54440, Oct. 29, 2001]

§ 3001.69b Expedited minor classification cases—expedition of procedural schedule.

(a) The purpose of this section is to provide a schedule for expediting proceedings in which the Postal Service requests that the Commission recommend a change in mail classification and expedite consideration of that request on the ground that the change is minor in character.

(b) Persons who are interested in participating in proceedings to consider Postal Service requests for minor changes in mail classification may intervene pursuant to § 3001.20. Parties may withdraw from a particular case by filing a notice with the Secretary of the Commission.

(c) When the Postal Service files a request under the provisions of §§ 3001.69 through 3001.69c, it shall comply with the standard Filing Online procedures of §§ 3001.9 through 3001.12.

(d) When the Postal Service files a request under the provisions of §§ 3001.69 through 3001.69c, it shall on that same day file a notice that briefly describes its proposal. This notice shall indicate on its first page that it is a notice of a request for a minor change in mail classification to be considered under §§ 3001.69 through 3001.69c, and

identify the last day for filing a notice of intervention with the Commission.

(e) Within 5 days after receipt of a Postal Service request invoking the operation of §§ 3001.69 through 3001.69c, the Commission shall issue a notice of proceeding and provide for intervention by interested parties pursuant to § 3001.20. The notice of proceeding shall state that the Postal Service has denominated the mail classification change it requests a minor change, and has requested expedited consideration pursuant to §§ 3001.69 through 3001.69c. The notice shall further state the grounds on which the Postal Service submits that the requested change in mail classification is minor in character, and shall afford all interested parties 26 days after filing of the Postal Service's request within which to intervene, submit responses to the Postal Service's request for consideration of its proposed mail classification change under the terms of §§ 3001.69 through 3001.69c, and request a hearing.

(f) Within 28 days after publication of the notice of proceeding pursuant to subsection (e), the Commission shall decide whether to consider the request of the Postal Service as a minor classification change request under §§ 3001.69 through 3001.69c, and shall issue an order in the proceeding incorporating that ruling. The Commission shall order a request to be considered under §§ 3001.69 through 3001.69c if it finds that:

(1) The requested classification change is minor in character, and

(2) The effects of the requested change are likely to be appropriately limited in scope and overall impact.

(g) If the Commission determines that the request of the Postal Service is not appropriate for consideration as a minor classification change request, no further procedures under §§ 3001.69 through 3001.69c shall be ordered, and the request will be considered in accordance with other appropriate provisions of Subpart C of this part.

(h) If the Commission determines that the Postal Service request is appropriate for consideration under §§ 3001.69 through 3001.69c, those respondents who request a hearing shall be directed to state with specificity within 14 days after publication of the

Postal Rate Commission

Pt. 3001, Subpt. C, App. A

notice the issues of material fact that require a hearing for resolution. Respondents shall also identify the fact or facts set forth in the Postal Service's filing that the party disputes, and when possible, what the party believes to be the true fact or facts and the evidence it intends to provide in support of its position.

(i) The Commission will hold hearings on a Postal Service request which is considered under §§3001.69 through 3001.69c when it determines that there are genuine issues of material fact to be resolved, and that a hearing is needed to resolve those issues. Hearings on the Postal Service request will commence within 21 days after issuance of the Commission order pursuant to subsection (f). Testimony responsive to the Postal Service request will be due 14 days after the conclusion of hearings on the Postal Service request.

[66 FR 54440, Oct. 29, 2001, as amended at 68 FR 12590, Mar. 17, 2003]

§ 3001.69c Expedited minor classification cases—time limits.

The Commission will treat cases to which §§3001.69 through 3001.69c apply as subject to the maximum expedition consistent with procedural fairness. The schedule for adoption of a recommended decision will therefore be established, in each such case, to allow for issuance of such decision not more than 90 days after the filing of the request of the Postal Service if no hearing is held, and not more than 120 days after the filing of the request if a hearing is scheduled.

[66 FR 54440, Oct. 29, 2001]

APPENDIX A TO SUBPART C—POSTAL SERVICE RATES AND CHARGES

TABLE OF CONTENTS

Classification Schedule 100—Expedited Mail

Sec.

- 110 Definition
- 120 Description of Services
- 121 Same Day Airport Service
- 122 Custom Designed Service
- 123 Next Day Service and Second Day Service
- 130 Physical Limitations
- 140 Postage and Preparation
- 150 Deposit and Delivery
- 151 Deposit
- 152 Receipt

- 153 Service
- 154 Forwarding and Return
- 160 Ancillary Services
- 170 Rates and Fees
- 180 Refunds
- 181 Procedure
- 182 Availability

Classification Schedule 200—First-Class Mail

Sec.

- 210 Definition
- 220 Description of Subclasses
- 221 Letters and Sealed Parcels Subclass
- 222 Cards Subclass
- 223 Priority Mail Subclass
- 230 Physical Limitations
- 231 Size and Weight
- 232 Nonstandard Size Mail
- 240 Postage and Preparation
- 250 Deposit and Delivery
- 251 Deposit
- 252 Service
- 253 Forwarding and Return
- 260 Ancillary Services
- 270 Rates and Fees
- 280 Authorizations and Licenses

Classification Schedules 300—Standard Mail

Sec.

- 310 Definition
- 311 General
- 312 Printed Matter
- 313 Written Additions
- 320 Description of Subclasses
- 321 Subclasses Limited to Mail Weighing Less Than 16 Ounces
- 322 Subclasses Limited to Mail Weighing 16 Ounces or More
- 323 Subclasses with No 16-Ounce Limitation
- 330 Physical Limitations
- 331 Size
- 332 Weight
- 333 Nonstandard Size Mail
- 340 Postage and Preparation
- 341 Postage
- 342 Preparation
- 343 Non-Identical Pieces
- 344 Attachments and Enclosures
- 350 Deposit and Delivery
- 351 Deposit
- 352 Service
- 353 Forwarding and Return
- 360 Ancillary Services
- 361 All Subclasses
- 362 Parcel Post, Bound Printed Matter, Special, and Library Subclasses
- 370 Rates and Fees
- 380 Authorizations and Licenses
- 381 Regular, Enhanced Carrier Route, and Nonprofit Subclasses
- 382 Special and Library Subclasses
- 383 Parcel Post Subclass

Classification Schedule 400—Periodicals

Sec.

- 410 Definition