

**BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-001**

**COMPLAINT OF AMERICAN POSTAL WORKERS
UNION, AFL-CIO**

Docket No. C2013-10

**AMENDED COMPLAINT OF AMERICAN POSTAL WORKERS UNION, AFL-CIO
REGARDING VIOLATIONS OF 39 U.S.C. § 3691 AND 39 C.F.R § 121.1.**

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AMENDED COMPLAINT

I. Background

1. Under Section 3691 of the Postal Reorganization Act of 1970 (“the PRA”), as amended by the Postal Accountability and Enhancement Act of 2006 (“the PAEA”), the Postal Service was required to promulgate regulations establishing service standards for market dominant products, including First Class Mail, within 12 months after the enactment of the PAEA. 39 U.S.C. § 3691(a).

2. Section 3691 (b) list four objectives the Postal Service must seek to achieve, which are: (1) To enhance the value of postal services to both senders and recipients; (2) To preserve regular and effective access to postal services in all communities, including those in rural areas or where post offices are not self-sustaining; (3) To reasonably assure Postal Service customers delivery reliability, speed and frequency consistent with reasonable rates and best business practices; and (4) To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance. 39 U.S.C. § 3691(b)(1)(A)(B)(C)(D). The Postal Service “may from time to time thereafter by regulation revise” service standards for market dominant products. 39 U.S.C. § 3691(a)

3. Under the current regulations for service standards, all intra-Sectional Center facility (SCF) domestic First-Class Mail pieces properly accepted before the day-zero Critical Entry Time at origin, the service standard is 1-day. 39 C.F.R § 121.1(a). In addition, a 2-day service standard is established for all domestic First-Class Mail pieces properly accepted before the day-zero Critical Entry Time at origin if a 1-day service standard is not required, and if the origin PDC/F

to Area distribution Center surface transportation drive time is 12 hours or less. 39 C.F.R. § 121.1(b).

4. On September 21, 2011, the Postal Service published an Advance Notice of Proposed Rulemaking (“ANPR”) in the Federal register to solicit public comment on a proposal to revise service standards for market-dominant products. 76 Fed. Reg. No. 183, at 584433 (Sept. 21, 2011). The Postal Service gave as a reason for the proposed rulemaking that mail volume was falling and the resulting excess capacity in the Postal Service’s mail processing network necessitated a major consolidation of that network. *Id.* at 58434. The Postal Service stated that the major consolidation of the mail processing network was “contingent on revisions to service standards, particularly the overnight standard for First Class Mail.” See Introduction to Revised Standards for Market-Dominant Products, 39 C.F.R. part 121, 77 Fed. Reg. No. 102, at 31191 (May 25, 2012).

5. The Proposed changes to service standards would extend expected delivery times for various classes of mail such as eliminating any expectation of one day delivery for First Class Mail and changing the expectation as to the percentage of First Class mail delivered within two days from 26.6 percent to 50.6 percent and changing the expectation as to the percentage of First Class mail delivered within three days from 31.6 percent to 49.1 percent. Delivery times for periodicals would also be extended.

6. The proposed service standard would “eliminate the expectation of overnight service for significant portions of First Class Mail and Periodicals”; additionally, “the two-day delivery range would be modified to include 3 digit zip code origin destination pairs that are currently overnight, and the three day delivery range would also be expanded.” PRC Case No. N2012-1.

7. After the proposed service standard takes affect, the Postal Service would be able to reduce the number of its mail processing facilities from over 500 locations to fewer than 200 locations because of the longer processing window.

8. Under the proposed service standard, '[t]he most significant effect of the [the proposed] changes [would] be to drastically reduce the amount of First-Class Mail that qualifies for an overnight service standard. Under the [then] current First-Class Mail overnight business rule, intra-Sectional Center Facility ("SCF") mail [was] subject to overnight delivery if it [was] entered before the applicable day zero CET.' *Id.* (footnote omitted). Under the proposed revisions to the First Class Mail overnight business rule, overnight service would be accorded only to intra-SCF Presort First Class Mail that [was] entered at the SCF prior to the CET." *Id.* at 77945 (footnote omitted).

9. The proposed changes will result in alterations of the prescribed delivery times for First Class Mail and that, as a practical matter, delivery times for other classes of mail would change as well, that the USPS would close many facilities and would change the work hours for most employees at its processing facilities.

10. On May 25, 2012, the Postal Service published a final rule revising the service standard for market dominant mail products, amending 39 C.F.R. § 121.1 First-Class Mail, Effective July 1, 2012. 77 Fed Reg. No. 102, at 31190 (May 25, 2012). Under the new regulation:

(a)(1) Until February 1, 2014, a 1-day (overnight) service standard is applied to intra-Sectional Center (SCF) domestic First Class Mail Pieces properly accepted before the day-zero Critical Entry times (CET),

(2) On and after February 1, 2014, a 1-day (overnight) service standard is applied to intra-SCF domestic Presort First Class Mail Pieces properly accepted before the day-zero Critical Entry times (CET)...

Id. at 31196. (Exceptions are made for Puerto Rico, the US Virgin Islands, American Samoa and parts of Alaska). *Id.*

10. Under the new regulations:

(b)(1) Until February 1, 2014, a 2-day service standard is applied to inter-SCF domestic First Class Mail pieces properly accepted before the day-zero CET if the drive time between the origin Processing & Distribution Center or Facility (P&DC/F) and the destination Area Distribution Center (ADC) is 6 hours or less...

(2) On and after February 1, 2014, a 2 day-day service standard is applied to inter-SCF domestic First Class Mail pieces properly accepted for the day-zero CET if the drive time between the origin PDC/F and destination SCF is 6 hours or less...

(c) A 3-day service standard is applied to domestic First-Class Mail pieces properly accepted before the day-zero CET, if the 1-day and 2-day service standards do not apply..."

Id. at 31196. (Exceptions are made for Puerto Rico, the US Virgin Islands, American Samoa and parts of Alaska). *Id.*

11. When the implementation of Phase One [under the interim version of the New Rule] is complete the Postal Service's delivery point sequencing (DPS) will expand to up to ten hours, from 8 p.m. to 6 a.m. This change will facilitate the consolidation of the mail processing operations of approximately 140 facilities. Then, once implementation of Phase Two [the final version of the New Rule] is complete, the DPS window will expand to up to sixteen hours, from 12 p.m. to 4 a.m. This will make it possible for the consolidation of the mail processing operations of approximately 230 facilities (inclusive of the approximately 140 consolidated in Phase One)." 77 Fed. Reg. No. 102, at 31192.

12. On September 28, 2012, the Postal Regulatory Commission (PRC) issued its advisory Opinion on Mail Processing Network Rationalization (MPNR) Service Changes. PRC Docket

No. N2012-1. The Executive Summary of those recommendations made the following three observations among others:

(1) “Interim service standards were adopted that preserve overnight First-Class Mail Service through January 31, 2014, with the exceptions of First-Class Mail that is handled by more than one processing facility.” *Id.* at 1.

(2) “The Commission estimates that MPNR cost saving may be as low as \$46 million annually assuming mail processing productivities remain at current levels, or as high as \$2 billion annually if all proposed assumptions prove correct. Cost saving may be offset by reduced contribution to the bottom line from volume loss by mailers who no longer believe the level of service provided meets their postal needs.” *Id.* at 2.

(3) “The advice provided by the Commission in this docket can be succinctly summarized. The Commission views positively the network rationalization actions planned by the Postal Service through January 31, 2014, and recommends that the Postal Service take into account the considerations outline in this Advisory Opinion before proceeding further. Specifically, the Commission encourages the Postal Service to make every attempt to retain overnight delivery in keeping with the analysis presented in the subsequent chapters [of the Commission’s Advisory Opinion].’ *Id.* at 5-6.

13. The Commission, in its order, cautioned the Postal Service that the Postal Service’s assumptions of a system wide increase in productivity of more than 20 percent was “remarkably ambitious and involve[d] some risk.”

14. In response to direct questions from the Chairman of the PRC, the Postal Service assured the Commission that care would be taken to ensure that intra-SCF First Class Mail Service would be

maintained until February 1, 2014, and that the decision to move forward with Phase 2 would be made very deliberately. The Postal Service stated:

“... The Phase 1 network reflects a judgment reached by headquarters after consultations with Area and District operations and transportation experts to determine a subset of feasible consolidations that could permit the preservation of intra-SCF overnight First Class Mail service. Additional review may lead to adjustments to ensure that Phase 1 operations support applicable service standards.” PRC Case No. N2012-1, Responses of United States Postal Service Witness Emily Rosenberg to Commission Information Request No. 1 (Question 8(a)(i)).

* * * * *

“I am informed that any decision by senior postal management regarding ‘whether to retain phase one service standards or to proceed with implementation of phase two’ will be influenced by whether a legislative enactment prohibits the Postal Service from implementing Phase II. The Postal Service also will review the advisory opinion issued in this case.” *Id.* (question 9(b)).

15. There is legislation pending in the United States Congress that would, if enacted, requires the Postal Service to maintain Phase 1 delivery standards of First-Class Mail and periodicals.

II. Summary of Complaint

16. The American Postal Workers Union, AFL-CIO (“the APWU”) and its local unions mail millions of pieces of mail each year.

17. The Postal Service’s service standard must be designed “to enhance the value of postal services to both senders and recipients and to reasonably assure Postal Service customers delivery reliability, speed and frequency consistent with reasonable rates and best business practices.” 39 U.S.C. § 3691(b)(1)(A)(C).

18. The Postal Service is required to provide a service standard of 1 day (overnight) for all intra-Sectional center Facility (SCF) domestic First-Class Mail pieces properly accepted before the day-zero Critical Entry Time at origin. 39 C.F.R. § 121.1(a).

19. The Postal Service is required to provide a service standard of 2 day for all domestic First Class Mail pieces properly accepted before the day zero Critical Entry Time at origin if a 1 day service standard is not required, and if the origin PDC/F to Area Distribution Center surface transportation drive time is 12 hours or less. 39 C.F.R. § 121.1(b). The Postal Service is required to provide a service standard of 3 days for all domestic First Class Mail pieces properly accepted before the day zero Critical Entry Time if the 1-day and 2-day service standards do not apply and both the origin and destination are within the contiguous 48 states (with certain exceptions for parts of Hawaii, Alaska and Puerto Rico). 39 C.F.R. § 121.1(c).

20. The Postal Service is regularly failing to comply with the service standards set by 39 C.F.R. § 121.1 in violation of 39 U.S.C. § 3691(b)(1)(A)(C).

21. The Postal Service's failure to comply with the law and regulations providing for postal services is the result of its decision to implement the consolidation and closures of mail processing facility, even though the Postal Service knew or should have known that those closures would result in the regular and systemic violation of First Class Mail service standard regulations.

22. The Postal Service has External First Class ("EXFC") performance information that shows that the Postal Service has failed to meet its service standard pursuant to 39 C.F.R. § 121.1(a)(b).

III. Jurisdiction

23. The APWU is an unincorporated labor organization with its offices at 1300 L Street, N.W., Washington, D.C. 20005. The APWU is a party to multiple collective bargaining agreements with the United States Postal Service, and represents approximately 200,000 employees of the Postal Service. The APWU, its local unions, and the APWU Health Plan collectively mail millions of pieces of paper each year. The APWU maintains offices and conducts business throughout the United States and has local unions in every state and territory of the United States. APWU local unions send and receive First Class Mail and other mail pertaining to APWU business that originates and destines in the same SCF. The APWU brings this Complaint as an interested person under § 3662 of the Act.

24. Under § 3662(a) of the PRA, the Commission has jurisdiction to hear this Complaint. On September 5, 2013, the APWU filed its Complaint in this matter, alleging violations by the Postal Service of 39 U.S.C. §§ 3661, 3691, and 403(c). The PRC dismissed the APWU's claims brought pursuant to Section 3661, 3691(b)(1)(B), and 403(c). The PRC permitted the APWU to file supplemental information to support its claim under Section 39 U.S.C. § 3691(d).

IV. THE POSTAL SERVICE IS VIOLATING SERVICE STANDARDS ON A NATIONWIDE OR SUBSTANTIALLY NATIONWIDE BASIS.

Waco, Texas

25. Since the consolidation of United States Postal Service's ("Postal Service") facilities, the Postal Service has consistently failed to meet the one day service standard for its First Class

Mail, pursuant to 39 C.F.R. § 121.1(a), for mail sent by American Postal Workers Union Local 739 (“Local 739”).

26. Local 739, in Waco, Texas, uses First Class Mail to communicate with its members.

27. The President of the American Postal Workers Union Local 739 has observed that the communication sent to its members is being delayed due to the consolidation of United States Post Services’ facilities.

28. Local 739 mails newsletters and letters, which are domestic First Class mail pieces, that originate and destinate in the SCF. The newsletters and letters sent to Local 739’s members are accepted before the day-zero Critical Entry Time at origin.

29. Local 739 Members have regularly received their First Class Mail four or five days after the delivery date, in violation of 39 C.F.R. § 121.1(a).

30. The First Class Mail that originates from Waco, Texas is transported to Coppell, TX or to Austin, TX for processing. After processing, the First Class Mail must be transported to a destinating facility, which is in Waco, TX. Because of the transportation of the First Class Mail to Coppell or Austin, the First Class Mail does not arrive in Waco in time to permit overnight delivery, as required by 39 C.F.R § 121.1(a).

31. First Class Mail regularly arrives in Waco, TX after several mail carriers have already gone out for the day, which causes First Class mail to be held up an extra day at the facility in Waco, TX and therefore overnight delivery is not regularly achieved.

Altoona, Pennsylvania

32. American Postal Workers Union Local 776 (“Local 776”) in Altoona, PA, uses the First Class Mail Services to send materials to its members, and to the National Union

33. Local 776 sends newsletters, letters, and election ballots by First Class Mail. The newsletters, letters, and election ballots are properly accepted before the day-zero Critical Entry Time for a given day. The newsletters and letters are domestic First Class Mail pieces that originate and destinate within the SCF.

34. Since the consolidation of the Post Service’s facility, the Postal Service has failed to meet and continues to fail to meet the one day service standard for some of its First Class Mail, required by 39 C.F.R. § 121.1(a), for mail sent by Local 776.

35. Since the consolidation, the Postal Service requires 108 Associate Postal Offices to transfer their mail to the facility in Altoona, PA. Once the mail arrives at the Altoona facility, the Altoona facility must transfer the mail to the facility in Johnstown, PA, which is approximately 45 miles away, for processing.

36. The Johnstown facility processes mail from the Altoona facility in addition to the mail it receives from other facilities. The Johnstown facility does not have the proper machines or the capability to process all that mail in a timely fashion. Since the Johnstown facility does not have the capability to process all the mail in a timely fashion, First Class Mail is regularly delayed.

37. After the Johnstown facility processes the mail for Altoona, the mail travels another 45 miles back to the Altoona facility. Once the Altoona facility receives the mail, the mail must be reprocessed once again before it can be given to the mail carriers.

38. Often, the Altoona facility is unable to reprocess all the First Class Mail before the mail carriers depart for their routes. As a result, four to six days of the week the Postal Service is unable to meet the one day service standard for some its First Class Mail, in violation of 39 C.F.R. § 121.1(a)

39. The President of Local 776, in her official capacity of Local 776 has been informed by Local 776 members that they did not receive their First Class Mail, sent by Local 776, within the time required by 39 C.F.R. § 121.1(a). The Postal Service is violating 39 C.F.R. § 121.1(a) in the delivery of Local 776's mail.

Brooklyn, New York

40. As part of its Network Consolidation Plan, the Postal Service has moved the originating mail processing facility from Brooklyn, NY to the Morgan Processing and Distribution Center in Manhattan, NY.

41. Once First Class Mail is mailed from Brooklyn it must be transported to Manhattan for processing. Even though the some of the First Class Mail that is mailed from Brooklyn, NY will eventually be delivered to a Brooklyn address, the First Class Mail is still transported to Manhattan for processing.

42. After the First Class Mail is processed, it is transported back to the destinating facility in Brooklyn, NY.

43. As a result of the Postal Service's decision to move the originating mail processing facility to Manhattan, First Class Mail is regularly not receiving one-day service within the SCF, as required by 39 C.F.R. § 121.19(a) because it takes the delivery trucks a period of time to travel

between Manhattan and Brooklyn. Mail carriers at the Brooklyn facility have to leave for their routes before the delivery trucks return from Manhattan. This causes the intra-SCF mail at the Brooklyn facility to fail to meet the one-day service standard, as required by 39 C.F.R. § 121.19(a).

44. American Postal Workers Union Local 251 (“Local 251”) uses First Class Mail to send materials to its members, and to the National Union.

45. Local 251 is entitled to the one day service standard, pursuant to 39 C.F.R § 121.1(a) when it uses intra-SCF First Class Mail to communicate with its members.

46. After the Postal Service’s decision, the Brooklyn facility has not met its quarterly External First Class Mail Measurement performance goal. Before the Postal Service’s decision, the Brooklyn facility used to rank third or fourth in the Area on its External First Class Measurement performance. Now the Brooklyn facility is consistently twelfth or thirteen in the Area.

New Brunswick, New Jersey

47. Since the consolidation of the Postal Service’s facilities, the Postal Service has consistently failed to meet the one day service standard for its First Class Mail, pursuant to 39 C.F.R. § 121.1(a), for mail sent by American Postal Workers Union Local 149 (“Local 149”).

48. Local 149 uses First Class Mail to send materials to its members, and to the National Union.

49. Local 149 is entitled to the one day service standard, pursuant to 39 C.F.R § 121.1(a) when it uses intra-SCF First Class Mail to communicate with its members.

50. Once a month, Local 149 mails newsletters and letters to its members. The newsletters, and letters, which are accepted before the Critical Entry Time, are First Class Mail that originate and

destinate within the SCF. As a result, Local 149 expects that its newsletters and letters would be delivered to its members within the service standard period of one day, as required by 39 C.F.R §121.1(a).

51. Since the consolidation of the Postal Service's facilities, the Postal Service requires its First Class Mail to be transported to the facility in Kilmer, NJ. Each day, when the mail arrives at the Kilmer facility it is transported to the facility in Kearny, NJ for processing, which is 35-40 miles away.

52. The next morning, after Kearny facility processes the mail, the mail is taken to several facilities some including the facilities in Milltown, NJ, Monmouth Junction, NJ, Dayton, NJ, and South River, NJ. The mail is scheduled to arrive at those facilities no later than 6:00 a.m. The Milltown facility, Monmouth Junction facility, Dayton facility and South River facility report that they regularly receive the mail late, sometimes as late as 10:00 AM.

53. When the mail arrives at the specific facilities from the Kearny facility, the mail clerks must process it before the mail carriers can take it out. The mail carriers depart for their routes at 11:00 a.m.

54. Because the mail from the Kearny facility does not arrive in time, the mail clerks are unable to process all the mail before the mail carriers depart for their routes. Every day, First Class Mail, which does not get process in time, has to wait in the facility until the next day to be delivered.

55. As a result, every day for a significant portion of the First Class Mail, the Postal Service does not provide the one day service required by 39 C.F.R. § 121.1(a).

56. The President of Local 149 in his official capacity as Local President has learned that some of Local 149's members have not been receiving their mail from the Local in accordance with 39 C.F.R §121.1(a). The Postal Service is violating 39 C.F.R. § 121.1(a) on a consistent basis in violation of Local 149's rights under that regulation.

Colorado Springs, Colorado

57. Since the consolidation of outgoing mail in the Colorado Springs facility, the Postal Service has consistently failed to meet the one day service standard for its First Class Mail Services, pursuant to 39 C.F.R. § 121.1(a), in violation of the rights of the Colorado Springs Area Local 247 ("Local 247").

58. Local 247 communicates with its members and with the National Union through First Class Mail.

59. Once a month, Local 247 sends materials to its members and to the National Union through First Class Mail. For the materials sent to the Local 247's members, the materials, which are accepted before the day-zero Critical Entry Time, are Domestic First Class Mail pieces that originate and destinate in the SCF. The materials sent to the National Union are not required to receive a service standard of one day but are required to receive a service standard of two days.

60. As a result, Local 247 expects that its members would receive its materials within the service standard of one day pursuant to 39 C.F.R. § 121.1(a) and expects that the National Union would receive its materials within the service standard of two days pursuant to 39 C.F.R. § 121.1(b).

61. Since the consolidation of outgoing mail in the Colorado Springs facility, the Postal Service requires its First Class Mail to be transported to the facility in Denver, CO, which is 80 miles

away, before it can be delivered to the proper Colorado Spring resident. The Denver facility is a gaining facility that is required to process more mail after the consolidation. As a result, on an almost daily basis the Denver facility is unable to process the mail in a timely fashion.

62. Once the Denver facility processes the mail, the mail is transported back to the Colorado Springs facility to be further processed. Since the mail is sometimes delayed in getting to the Colorado Springs facility and has to be reprocessed, the delivery trucks have been required to push back their departure times or make late trips transporting the mail from the Colorado Springs facility to the 10 postal stations in the Colorado Springs area.

63. Because the postal stations receive the mail in an untimely fashion, many of the letter carriers at the 10 Postal Stations in the Colorado Springs Area depart for their routes without obtaining the First Class Mail that is supposed to be delivered. As a result, First Class Mail is required to stay an extra day and therefore the one day service standard, as required by 39 C.F.R. §121.1(a), is being violated every day.

64. Local 247's members have informed the President of Local 247, acting in his official capacity, that they have been receiving several of Local 247's communications days after the service standard of one day pursuant to 39 C.F.R §121.1(a) and in violation of Local 247's rights under that standard.

65. More evidence that 39 C.F.R § 121.1(a) is consistently being violated has been provided by Westside Pioneer, which publishes weekly news editions for the citizens of Colorado.

66. The Westside Pioneer uses the Postal Service's First Class Mail to deliver its weekly news editions to its subscribers. Weekly news editions, which are accepted before the day-zero Critical Entry Time, are Domestic First Class Mail pieces that originated and destined in the SCF.

67. Because Westside Pioneer used the Postal Service's First Class Mail, Westside Pioneer expected that its subscribers would receive the weekly news edition in accordance with the service standards of 39 C.F.R § 121.1(a).

68. Subscribers to the Westside Pioneer's weekly news edition have complained that they do not receive its subscription in a timely manner. Subscribers reported to the Westside Pioneer that they receive several weekly news editions in one particular day. Westside Pioneer reported that several subscribers received one weekly news edition two weeks after it was supposed to arrive.

69. Starting in January 2014, Westside Pioneer will only publish online weekly editions and cancel its publication of printed editions. Westside Pioneer stated that one of the reasons for its decision to only publish online weekly editions was due to the Postal Service's poor service and the Postal Service's inability to meet its delivery standards.

Jacksonville, Florida

70. Since the closure of the Post Service's facilities in Gainesville, FL and Waycross, GA Savannah, GA, and Macon, GA, the Postal Service has consistently failed to meet the one day service standard for its First Class Mail Services, in violation of the rights of the Northeast Florida Area Local 138 ("Local 138") under 39 C.F.R. § 121.1(a).

71. Once a month, Local 138 mails materials to its members by First Class Mail.

72. The materials, which are accepted before the Critical Entry Time, are Domestic First Class Mail that originate and destinate within the SCF. As a result, Local 138 is entitled to have its materials delivered to its members within the service standard period of one day, as required by 39 C.F.R §121.1(a)

73. The President of Local 138 stated Local 138's members have not been receiving their mail in accordance with 39 C.F.R. §121.(a) and their rights under that regulation have been and are being violated.

74. Since the closure of the Gainesville facility, Waycross facility, Savannah facility, and Macon facility, the Postal Service requires its First Class Mail to be transported to the facility in Jacksonville, Florida before it can be delivered to the proper recipient. The Jacksonville facility has to process the mail from the Gainesville, Waycross, Savannah, Macon, and its own mail.

75. Because the Jacksonville facility has to process the mail from all those locations, it takes them longer to process the mail. The delivery trucks at the facility in Jacksonville have a time they are scheduled to depart each day.

76. Because it takes the Jacksonville facility a longer time to process the First Class Mail, delivery trucks regularly leave when some of the First Class Mail has not been processed. The mail which is not processed in time for the truck departures has to wait in the Jacksonville facility until the next day. As a result, the service standards required by 39 C.F.R § 121.1(a) are consistently violated and Local 138's rights under that regulation are regularly violated.

77. Local 247's members have informed the Local 247 President, acting in her official capacity, that they have been receiving their mail days after the service standard of one day pursuant to 39 C.F.R §121.1(a). Local 247's rights under that regulation have been and are being violated.

Test Mailing

78. On Thursday, December 5, 2013 the National Union mailed 40 letters from its office in Washington, DC to various APWU members across the country. The letters were postmarked and entered into the mail stream before the Critical Entry Time on December 5, 2013.

79. 25% of the letters mailed by the National Union were not delivered according to their delivery standards, as required by 39 C.F.R. § 121.1.

80. Five of the letters (those sent to Scranton, PA, Lafayette, NJ, Brookhaven, PA and Bayside, NY and Baltimore, MD) were required to be delivered according to a two day service standard under 39 C.F.R. § 121.1(b). Having been sent on December 5, these letters should have been delivered on Saturday, December 7.

81. The letter to Scranton, PA was not delivered until Monday, December 9. The Postal Service failed to deliver this letter on time, as required by 39 C.F.R. § 121.1(b).

82. The remaining 35 letters the National Union mailed to its members were required to be delivered within three days of mailing, pursuant to 39 C.F.R. § 121.1(c).

83. The First-Class letter sent to Crane, Missouri should have been delivered on December 9. It was not delivered until December 11. The Postal Service failed to deliver this piece of mail as required by the service standards under 39 C.F.R. § 121.1(c).

84. The First-Class letter sent to Pine Bluff, AR should have been delivered on December 9. It was not delivered until December 10. The Postal Service failed to deliver this piece of mail as required by the service standards under 39 C.F.R. § 121.1(c).

85. The First-Class letter sent to Lafayette, LA should have been delivered on December 9. It was not delivered until December 10. The Postal Service failed to deliver this piece of mail as required by the service standards under 39 C.F.R. § 121.1(c).

86. The First-Class letter sent to Waco, TX should have been delivered on December 9. It was not delivered until December 10. The Postal Service failed to deliver this piece of mail as required by the service standards under 39 C.F.R. § 121.1(c).

87. The First-Class letter sent to Missoula, MT should have been delivered on December 9. It was not delivered until December 12, a full week after it was mailed. The Postal Service failed to deliver this piece of mail as required by the service standards under 39 C.F.R. § 121.1(c).

88. The First-Class letter sent to Grand Junction, CO should have been delivered on December 9. It was not delivered until December 11. The Postal Service failed to deliver this piece of mail as required by the service standards under 39 C.F.R. § 121.1(c).

89. The First-Class letter sent to Great Falls, MT should have been delivered on December 9. As of December 12, 2013, it had not been delivered. The Postal Service failed to deliver this piece of mail as required by the service standards under 39 C.F.R. § 121.1(c).

90. The APWU is prepared to provide sworn testimony concerning the dates that these letters were entered into the mail stream and the dates that these letters were delivered. The recipients of these letters are willing to testify to the dates they received their letters, should the PRC request that they do so.

91. The APWU's rights under 39 C.F.R. 121.1(a), (b), and (c) have been and are being violated as set forth above.

External First-Class Measurement System

92. The Postal Service maintains an External First-Class Mail Measurement System (EXFC) for monitoring its First Class Mail delivery performance. The data in that system are available for discovery and analysis.

93. The Postal Service also uses scans of First Class Mail to analyze operational efficiency and delivery of mail. These scans are available for discovery and analysis.

94. The Postal Service could readily produce for the Commission's information any and all data in the EXFC as well as relevant scans.

95. Examination of the data in the EXFC and scans since the Postal Service Network Consolidation plan has been implemented will show that First-Class mail delivery standards are being violated.

96. The Postal Service has been extracting data from its EXFC and from scans in an attempt to determine where service standard performance problems are being caused by Network Consolidation.

97. Discovery and disclosure of the data in the EXFC system and scans that concern the locations identified in this Complaint will confirm the allegations of this Complaint and establish Complainant's right to a remedy under Section 3662(c) of the Act, 39 U.S.C. § 3662(c).

REQUEST FOR RELIEF

For the reasons stated above, the APWU respectfully requests that the Commission:

- A. Hold that the Postal Service has violated its Service Standard regulations as described in the Complaint above;
- B. Order the Postal Service to take necessary steps to come promptly into compliance with its Service Standard regulations;
- C. Order the Postal Service to cease and desist from making changes in its mail processing network that will cause it to violate service standards; and
- D. Order the Postal Service to provide the APWU and its local union an appropriate remedy for any adverse impact on them due to the delay of their mail.

Respectfully submitted,

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