

Xpresspost handled in the EMS network." Notice at 6. The Postal Service's instant Request represents that subsequent filing to give effect to CY 2011 rates for Xpresspost handled in the EMS network.

Request. In support of its Request, the Postal Service filed the following materials:

- Attachment 1—an application for non-public treatment of pricing and supporting documents filed under seal;
- Attachment 2—a redacted version of Governors' Decision No. 08-5 establishing prices and classifications for services offered under EMS bilateral/multilateral agreements; Mail Classification Schedule (MCS) language applicable to Inbound EMS bilateral/multilateral agreements; formulas for inbound prices under EMS bilateral/multilateral agreements; and an analysis of the formulas, certification of the Governors' vote, and certification of compliance with 39 U.S.C. 3633(3)(a);
- Attachment 3—a redacted version of the portion of the Bilateral Agreement pertinent to the filing;
- Attachment 4—certification of prices for the Bilateral Agreement required by 39 CFR 3015.5(c)(2);
- Attachment 5—a Statement of Supporting Justification as required by 39 CFR 3020.32; and
- Attachment 6—proposed Mail Classification Schedule language describing International Expedited Services 4.

In the Statement of Supporting Justification, Lea Emerson, Executive Director, International Postal Affairs, asserts that "[t]he addition of the relevant portions of this [Bilateral] Agreement as a competitive product will enable the Commission to verify that each contract covers its attributable costs and enables competitive products, as a whole, to make a positive contribution to coverage of institutional costs." *Id.*, Attachment 5. She further states that as a result, "no issue of subsidization of competitive products by market dominant products arises." *Id.*

Joseph Moeller, Manager, Regulatory Reporting and Cost Analysis, Finance Department, certifies that the contract complies with 39 U.S.C. 3633(a). *Id.*, Attachment 4. He asserts that the prices for the Bilateral Agreement "should cover its attributable costs and preclude the subsidization of competitive products by market dominant products." *Id.*, Attachment 4.

The Postal Service filed much of the supporting materials, including the specific Bilateral Agreement, under seal. *Id.* at 5. In its Request, the Postal Service maintains that certain portions of the contract, the rates, descriptions of the

rates, and related financial information should remain under seal. *Id.*, Attachment 1.

II. Notice of Filings

The Commission establishes Docket Nos. MC2010-37 and CP2010-126 for consideration of the Request pertaining to the proposed Inbound International Expedited Services 4 product, and the related Bilateral Agreement, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this order; however, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR 3020 subpart B. Comments are due no later than October 14, 2010.⁸ The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2010-37 and CP2010-126 for consideration of the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than October 14, 2010.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.
Shoshana M. Grove,
Secretary.

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POSTAL REGULATORY COMMISSION

[Docket Nos. MC2010-28 and CP2011-20 through CP2011-25; Order No. 564]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

⁸ Commenters who cannot file by the deadline should contact Mr. Sharfman.

SUMMARY: The Commission is noticing a recently filed Postal Service request to add six Global Expedited Package Services 3 contracts to the competitive product list. This notice addresses procedural steps associated with the filing.

DATES: *Comments are due:* October 28, 2010.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at stephen.sharfman@prc.gov or 202-789-6824.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Notice of Filing
- III. Ordering Paragraphs

I. Introduction

On October 19, 2010, the Postal Service filed a notice announcing that it has entered into six additional Global Expedited Package Services 3 (GEPS 3) contracts.¹ The Postal Service believes the instant contracts are functionally equivalent to previously submitted GEPS contracts, and are supported by Governors' Decision No. 08-7, attached to the Notice and originally filed in Docket No. CP2008-4. *Id.* at 1, Attachment 3. The Notice explains that Order No. 86, which established GEPS 1 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 2. In Order No. 290, the Commission approved the GEPS 2 product.² In Order No. 503, the Commission approved the GEPS 3 product. Additionally, the Postal Service requested to have the contract in Docket No. CP2010-71 serve as the baseline contract for future functional equivalence analyses of the GEPS 3 product.

The instant contracts. The Postal Service filed the instant contracts pursuant to 39 CFR 3015.5. In addition,

¹ Notice of United States Postal Service of Filing Six Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreements and Application For Non-Public Treatment of Materials Filed Under Seal, October 19, 2010 (Notice).

² Docket No. CP2009-50, Order Granting Clarification and Adding Global Expedited Package Services 2 to the Competitive Product List, August 28, 2009 (Order No. 290).

the Postal Service contends that each contract is in accordance with Order No. 86. The term of each contract is one year from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received. Notice at 3.

In support of its Notice, the Postal Service filed four attachments as follows:

- Attachments 1A through 1F—redacted copies of the six contracts and applicable annexes;
- Attachments 2A through 2F—certified statements required by 39 CFR 3015.5(c)(2) for each contract;
- Attachment 3—a redacted copy of Governors' Decision No. 08-7 which establishes prices and classifications for GEPS contracts, a description of applicable GEPS contracts, formulas for prices, an analysis of the formulas, and certification of the Governors' vote; and
- Attachment 4—an application for non-public treatment of materials to maintain redacted portions of the contracts and supporting documents under seal.

The Notice advances reasons why the instant GEPS 3 contracts fit within the Mail Classification Schedule language for the GEPS 3 product. The Postal Service identifies customer-specific information and general contract terms that distinguish the instant contracts from the baseline GEPS 3 agreement. *Id.* at 4-5. It states that the differences, which include price variations based on updated costing information and volume commitments, do not alter the contracts' functional equivalency. *Id.* at 3-4. The Postal Service asserts that "[b]ecause the agreements incorporate the same cost attributes and methodology, the relevant characteristics of these six GEPS contracts are similar, if not the same, as the relevant characteristics of previously filed contracts." *Id.* at 4.

The Postal Service concludes that its filings demonstrate that each of the new GEPS 3 contracts complies with the requirements of 39 U.S.C. 3633 and is functionally equivalent to the baseline GEPS 3 contract. Therefore, it requests that the instant contracts be included within the GEPS 3 product. *Id.* at 5.

II. Notice of Filing

The Commission establishes Docket Nos. CP2011-20 through CP2011-25 for consideration of matters related to the contracts identified in the Postal Service's Notice.

These dockets are addressed on a consolidated basis for purposes of this order. Filings with respect to a particular contract should be filed in that docket.

Interested persons may submit comments on whether the Postal Service's contracts are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642. Comments are due no later than October 28, 2010. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned proceedings.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. CP2011-20 through CP2011-25 for consideration of matters raised by the Postal Service's Notice.

2. Comments by interested persons in these proceedings are due no later than October 28, 2010.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,
Secretary.

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POSTAL REGULATORY COMMISSION

[Docket No. RM2010-14; Order No. 550]

Periodic Reporting Rules

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: This notice addresses the Postal Service request for semi-permanent exceptions to certain recently-adopted service performance measurement reporting requirements.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system. Commenters who cannot submit filings electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for advice on alternatives.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, stephen.sharfman@prc.gov or 202-789-6820.

SUPPLEMENTARY INFORMATION: On September 30, 2010, the Postal Service filed a request for a semi-permanent exception from periodic reporting of service performance measurement for

Applications and Mailing Permits, pursuant to Commission Order No. 465 and 39 CFR 3055.3.¹

Rule 3055.3 provides the Postal Service an opportunity to request that a product, or component of a product, be excluded from service performance measurement reporting upon demonstration that:

1. The cost of implementing a measurement system would be prohibitive in relation to the revenue generated by the product, or component of a product;
2. The product, or component of a product, defies meaningful measurement; or
3. The product, or component of a product, is in the form of a negotiated service agreement with substantially all components of the agreement included in the measurement of other products.

The Postal Service explains that Applications and Mailing Permits comprise nothing more than a transaction intended to establish or renew permission to enter bulk mailings. The Postal Service contends that this service defies meaningful measurement and falls within the 39 CFR 3055(a)(2) exception from reporting of service performance measurements. Request at 3.

The Commission establishes Docket No. RM2010-14 for consideration of matters related to the proposed semi-permanent exception from periodic reporting of service performance measurement identified in the Postal Service's Request.

Interested persons may submit comments on whether the Postal Service's Request is consistent with the policies of 39 U.S.C. 3652(a)(2) and 39 CFR 3055.3.² Comments are due no later than October 15, 2010. The Postal Service's Request can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Katrina Martinez to serve as Public Representative in the captioned proceedings.

It is ordered:

1. The Commission establishes Docket No. RM2010-14 for consideration of matters raised by the Postal Service's Request.

2. Comments by interested persons in these proceedings are due no later than October 15, 2010.

¹ United States Postal Service Request for Semi-Permanent Exception from Periodic Reporting of Service Performance Measurement, September 30, 2010 (Request); *see also* Docket No. RM2009-11, Order Establishing Final Rules Concerning Periodic Reporting of Service Performance Measurements and Customer Satisfaction, May 25, 2010, at 22 (Order No. 465).

² Those who cannot submit comments by the filing deadline should contact Mr. Sharfman.