

the proceeding<sup>1</sup> to determine the reasonable rates and terms for use of certain works in connection with noncommercial broadcasting. The Copyright Royalty Judges also are announcing the date by which a party who wishes to participate in the rate proceeding must file its Petition to Participate and the accompanying \$150 filing fee.

**DATES:** Petitions to Participate and the filing fee are due no later than February 4, 2011.

**ADDRESSES:** An original, five copies and an electronic copy in Portable Document Format (PDF) on a CD of the Petition to Participate, along with the \$150 filing fee, may be delivered to the Copyright Royalty Board by either mail or hand delivery. Petitions to Participate and the \$150 filing fee may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), Petitions to Participate, along with the \$150 filing fee, must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977. If hand delivered by a private party, Petitions to Participate, along with the \$150 filing fee, must be brought between 8:30 a.m. and 5 p.m. to the Library of Congress, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial courier, Petitions to Participate, along with the \$150 filing fee, must be delivered between 8:30 a.m. and 4 p.m. to the Congressional Courier Acceptance Site, located at 2nd and D Street, NE., Washington, DC. The envelope must be addressed to Copyright Royalty Board, Library of Congress, James Madison Memorial Building, Room LM-403, 101 Independence Avenue, SE., Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** LaKeshia Keys, CRB Program Specialist, by telephone at (202) 707-7658 or e-mail at [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 804(b)(6) of the Copyright Act, title 17 of the United States Code, allows a party to file with the Copyright Royalty Judges a petition to initiate a proceeding to determine reasonable rates and terms for the use of certain

<sup>1</sup> The prior proceeding was captioned as "NCBRA" (which stands for "Noncommercial Broadcasting Rate Adjustment"). Hereinafter, this and future proceedings will be captioned as "NCEB" (which stands for "Noncommercial Educational Broadcasting") followed by the appropriate Roman numeral.

copyrighted works in connection with noncommercial television and radio broadcasting under 17 U.S.C. 118 every five years, starting in the year 2006. A proceeding was commenced in 2006, 71 FR 1453 (January 9, 2006); on November 30, 2007, the Judges announced the royalty rates and terms for the section 118 compulsory license for the period January 1, 2008, through December 31, 2012. 72 FR 67646 (November 30, 2007). Thus, in accordance with section 804(b)(6), a party may file a petition in 2011. However, no petition has been filed; consequently, section 803(b)(1)(A)(i)(V) requires the Judges to publish in the **Federal Register** by no later than January 5, 2011, a notice commencing the proceeding for the license period 2013-2017. Today's notice fulfills this requirement.

**Petitions To Participate**

Petitions to Participate must be filed in accordance with § 351.1(b) of the Judges' regulations. See 37 CFR 351.1(b). Petitions to Participate must be accompanied by the \$150 filing fee. Cash will not be accepted; therefore, parties must pay the filing fee with a check or money order made payable to the "Copyright Royalty Board." If a check received in payment of the filing fee is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed.

Note that in accordance with 37 CFR 350.2 (Representation), only attorneys who are members of the bar in one or more states and in good standing will be allowed to represent parties before the Copyright Royalty Judges, unless a party is an individual who represents herself or himself.

Dated: December 22, 2010.

**William J. Roberts, Jr.,**

*U.S. Copyright Royalty Judge.*

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**BILLING CODE 1410-72-P**

**POSTAL REGULATORY COMMISSION**

[Docket Nos. CP2011-55; Order No. 633]

**New Postal Product**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add an additional Global Reseller Expedited Package contract to the competitive product list. This notice addresses procedural steps associated with the filing.

**DATES:** *Comments are Due:* January 10, 2011.

**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](mailto:stephen.sharfman@prc.gov) or 202-789-6824.

**SUPPLEMENTARY INFORMATION:**

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- II. Notice of Filing
- III. Ordering Paragraphs

**I. Introduction**

On December 28, 2010, the Postal Service filed a notice announcing that it intends to enter into an additional Global Reseller Expedited Package (GREP) contract.<sup>1</sup> The Postal Service noted that:

Although both parties have yet to sign the agreement filed in this docket, the course of negotiations and the timing of this filing in relation to other filings have led the Postal Service to submit the agreement in its present state. The agreement is expected to be executed soon. The Postal Service will supplement this filing once the agreement is executed, and will advise of any substantive changes to the text.

Notice at 1 n.2. The Postal Service filed the executed contract on December 29, 2010.<sup>2</sup> The Postal Service believes that the instant contract is functionally equivalent to the previously submitted GREP contract, and is supported by Governors' Decision No. 10-1, attached to the Notice and originally filed in Docket No. CP2010-36. *Id.* at 1, Attachment 3. The Notice explains that Order No. 445, which established GREP Contracts 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 1-2. Additionally, the Postal Service requested to have the contract in Docket No. CP2010-36 serve as the baseline contract for future functional equivalence analyses of the GREP Contracts 1 product.

*The instant contract.* The Postal Service filed a draft contract in this case

<sup>1</sup> Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package Negotiated Service Agreement and Application For Non-Public Treatment of Materials Filed Under Seal, December 28, 2010 (Notice).

<sup>2</sup> Notice of the United States Postal Service of Filing a Signed Global Reseller Expedited Package Negotiated Service Agreement, December 29, 2010 (Signed Contract Notice).

pursuant to 39 CFR 3015.5 with its Notice. The Postal Service then filed the fully executed contract one day later. The Postal Service contends that the contract is in accordance with Order No. 445. The term of the contract is currently set at 5 calendar years from the date the Postal Service notifies the customer that it is willing to accept mail under the contract terms and all necessary regulatory approvals have been received. Signed Contract Notice, Attachment 1 at 8. The contract start date may be no earlier than February 17, 2011. The contract may also be terminated by either party on not less than 30 days' written notice. *Id.*

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

- Attachment 1—a redacted copy of the draft contract and an applicable annex;<sup>3</sup>
- Attachment 2—a certified statement required by 39 CFR 3015.5(c)(2);
- Attachment 3—a redacted copy of Governors' Decision No. 10-1 which establishes prices and classifications for GREP contracts, a description of applicable GREP 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 contract and supporting documents under seal.

The Notice advances reasons why the GREP contract fits within the Mail Classification Schedule language for GREP Contracts 1. The Postal Service identifies customer-specific information and general contract terms that distinguish the contract from the baseline GREP agreement. It states that the contract differs from the contract in Docket No. CP2010-36 pertaining to customer-specific information, *e.g.*, customer's name, address, representative, signatory, term, provisions for mail tender options, applicable discounts, notice of postage changes, minimum revenue, as well as several other conditions. *Id.* at 4-6. The Postal Service states that the differences, which include price variations based on updated costing information, do not alter the contract's functional equivalency. *Id.* at 3-4. The Postal Service asserts that "[b]ecause the agreement incorporates the same cost attributes and methodology, the relevant characteristics of this GREP contract are similar, if not the same, as the relevant characteristics of the contract filed in Docket No. CP2010-36." *Id.* at 4.

<sup>3</sup> The fully executed contract was filed as Attachment 1 to the Signed Contract Notice.

The Postal Service concludes that its filings demonstrate that the new GREP contract complies with the requirements of 39 U.S.C. 3633 and is functionally equivalent to the baseline GREP contract. It states that the differences do not affect the services being offered or the fundamental structure of the contract. Therefore, it requests that the instant contract be included within the GREP Contracts 1 product. *Id.* at 6.

## II. Notice of Filing

The Commission establishes Docket No. CP2011-55 for consideration of matters related to the Postal Service's Notice and Signed Contract Notice.

Interested persons may submit comments on whether the Postal Service's filings are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 no later than January 10, 2011. 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 above-captioned proceeding.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. CP2011-55 for consideration of matters raised by the Postal Service's Notice and Signed Contract Notice.

2. Comments by interested persons in this proceeding are due no later than January 10, 2011.

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 this proceeding.

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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**BILLING CODE 7710-FW-P**

## POSTAL REGULATORY COMMISSION

[Docket No. CP2011-54; Order No. 631]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add a Global Expedited Package Services 3 contract to the competitive product list. This notice addresses

procedural steps associated with the filing.

**DATES:** *Comments are Due:* January 10, 2011.

**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](mailto:stephen.sharfman@prc.gov) or 202-789-6824.

### SUPPLEMENTARY INFORMATION:

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#### I. Background

On December 28, 2010, the Postal Service filed a notice announcing that it intends to enter into an additional Global Expedited Package Services 3 (GEPS 3) contract.<sup>1</sup> In its initial filing, the Postal Service included a draft of the contract, noting that a final agreement would be executed soon. *Id.* at 1 n.2. On December 29, 2010, the Postal Service submitted a redacted signed copy of the contract, replacing the draft version originally filed in the Notice.<sup>2</sup> The Postal Service also submitted a nonpublic version of the signed agreement separately under seal, also substituting the version originally filed. Revised Notice at 1-2.

GEPS contracts provide incentives for businesses that mail products directly to foreign destinations using Express Mail International, Priority Mail International, or both. Notice at 4. The Postal Service asserts that the instant contract is supported by Governors' Decision No. 08-7, which is attached to the Notice and was originally filed in Docket No. CP2008-4.<sup>3</sup>

<sup>1</sup> Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed under Seal, December 28, 2010; Notice of the United States Postal Service of Errata to Notice of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal (together, Notice).

<sup>2</sup> Notice of the United States Postal Service of Filing a Signed Global Expedited Package Services 3 Negotiated Service Agreement, December 29, 2010, at 1 (Revised Notice).

<sup>3</sup> Notice at 1, Attachment 3; see Decision of the Governors of the United States Postal Service on the Establishment of Prices and Classifications for Global Expedited Package Services Contracts,