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Shoshana M. Grove,
Secretary.

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POSTAL REGULATORY COMMISSION

[Docket Nos. MC2010-29 and CP2010-72;
Order No. 494]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add Global Expedited Package Services—Non-published Rates to the competitive product list. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with the filing.

DATES: Comments are due: August 11, 2010. Reply Comments are due: August 18, 2010.

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

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

SUPPLEMENTARY INFORMATION: On July 16, 2010, the Postal Service requested that the Commission add Global Expedited Package Services—Non-published Rates to the competitive product list within the Mail Classification Schedule (MCS).¹ This product grouping would create a niche classification in addition to existing Global Expedited Package Services (GEPS) categories. *Id.* at 8-10. GEPS offer discounts to small- and medium-size mailers of Express Mail International (EMI) and Priority Mail International (PMI). The existing GEPS product is similar to the new GEPS—Non-published Rates. Each offer rates for EMI and PMI based on revenue tiers, entry points, country groups, and weight cells. *Id.* at 4-6. According to the Postal Service, nearly all current GEPS

agreements would fit within GEPS—Non-published Rates. Nonconforming agreements would remain within the existing GEPS product. *Id.* at 4.

The primary difference between GEPS and GEPS—Non-published Rates is that the Governors have approved an eight-tiered rate design model that includes every possible rate between a minimum and maximum rate within cells defined by country group and weight.² The maximum rate in each cell would be based on the published Click-N-Ship discounts of 8 and 5 percent for EMI and PMI, respectively. The minimum rate in each cell would be based on the entry of qualifying mail at an International Service Center in tier 8. *Id.*, Attachment C, at 1-2. The Postal Service would offer customized agreements to customers with rates between the minimum and maximum. Customers would need to make a minimum revenue commitment of \$50,000 per year. *Id.*, Attachment A, section 2610.7.1.

The purpose of GEPS—Non-published Rates is to streamline the “process for approving GEPS agreements, while maintaining their profitability and competitive positioning in the market.” *Id.*, Attachment C, at 1. The Postal Service states:

The number of [GEPS] agreements continues to grow, and the number of renewing customers is substantial. Because the agreements typically have a term of one year, the transaction costs for developing the pricing and filing each agreement as a separate product are substantial as well. The resources of the Commission are also affected by these agreements, as the Commission and a Public Representative must review each agreement and its rates prior to determining the functional equivalence of the agreement under review in comparison to the baseline GEPS agreement. Request at 8.

The Postal Service further indicates that if the proposal is approved as a niche classification, “the filing of each mailer’s agreement to be added to the competitive product list would no longer be necessary.” *Id.* at 7, n.10. It anticipates, however, “providing copies of the agreements to the Commission under cover of a notice pleading.” *Id.*

Included with the Request are several attachments. Attachment 1 is an application for non-public treatment of portions of the Request. Attachment 2 contains the Governors’ Decision and attachments thereto, including MCS language describing GEPS—Non-published Rates, rate schedules, a management analysis, and certification

that prices satisfy applicable pricing criteria. Attachment 3 is a Statement of Justification by the Executive Director, Global Business Management. Attachment 4 is a representative agreement between the Postal Service and a customer of GEPS—Non-published Rates.

Comments. Interested persons may submit comments on or before August 11, 2010. Reply comments may be submitted no later than August 18, 2010.

Public Representative. Pursuant to 39 U.S.C. 505, the Commission hereby appoints Steven M. Hoffer to serve as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding. Neither Mr. Hoffer nor any staff assigned to assist him shall participate in or provide any advice on any Commission decision in this proceeding other than in their designated capacity.

It is ordered:

1. The Commission establishes Docket Nos. MC2010-29 and CP2010-72 to consider matters raised in the Postal Service’s July 16, 2010 Request.

2. Comments are due August 11, 2010. Reply comments are due August 18, 2010.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Steven M. Hoffer 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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POSTAL REGULATORY COMMISSION

[Docket Nos. CP2010-78, CP2010-79, CP2010-80, CP2010-81, CP2010-82 and CP2010-83; Order No. 501]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

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

DATES: Comments are due: August 4, 2010.

ADDRESSES: Submit comments electronically via the Commission’s

¹ Notice and Request of the United States Postal Service Concerning Global Expedited Package Services—Non-Published Rates and Application for Non-Public Treatment of Materials Filed Under Seal, July 16, 2010 (Request).

² See Request, Governors Decision No. 10-2, Attachment B.

Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

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

SUPPLEMENTARY INFORMATION:

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I. Introduction

On July 26, 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 1-2, Attachment 3. The Notice also 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 Docket Nos. MC2010-28 and CP2010-71, the Postal Service requested that the Commission add GEPS 3 to the competitive product list.³ Additionally, the Postal Service requested to have the contract in Docket No. CP2010-71 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, the Postal Service contends that each contract is in accordance with Order No. 86. The term of each contract is 1 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, 1B, 1C, 1D, 1E and 1F—redacted copies of the six contracts and applicable annexes;
- Attachments 2A, 2B, 2C, 2D, 2E and 2F—a certified statement required by 39 CFR 3015.5(c)(2) for each of the six contracts;
- 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 and certification 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 GEPS. The Postal Service identifies customer-specific information and general contract terms that distinguish the instant contracts from the baseline GEPS 3 agreement all of which are highlighted in the Notice. *Id.* at 5. These modifications as described in the Postal Service's Notice apply to each of the instant contracts.

The Postal Service contends that the instant contracts are functionally equivalent to the baseline contract for GEPS 3 and share the same cost and market characteristics as the previously filed GEPS contracts. *Id.* at 4. It states that in spite of differences including updates and volume or postage commitments of customers, the changes do not alter the contracts' functional equivalency. *Id.* at 4-5. 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 5.

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 6.

II. Notice of Filing

The Commission establishes Docket Nos. CP2010-78, CP2010-79, CP2010-80, CP2010-81, CP2010-82 and

CP2010-83 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 August 4, 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. CP2010-78, CP2010-79, CP2010-80, CP2010-81, CP2010-82 and CP2010-83 for consideration of matters raised by the Postal Service's Notice.

2. Comments by interested persons in these proceedings are due no later than August 4, 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 Nos. CP2010-73 and CP2010-74; Order No. 495]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

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

DATES: Comments are due: July 29, 2010.

ADDRESSES: Submit comments electronically via the Commission's

¹ Notice of United States Postal Service Filing of Six Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreements and Application for Non-Public Treatment of Materials Filed Under Seal, July 26, 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).

³ Docket Nos. MC2010-28 and CP2010-71, Notice and Request of the United States Postal Service to Add Global Expedited Package Services 3 to the Competitive Products List and Notice of Filing of Functionally Equivalent Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, July 14, 2010.