

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Michael Kubayanda, Vice Chairman;
Mark Acton;
Ann C. Fisher; and
Ashley E. Poling

Competitive Product Prices
First-Class Package Service Contract 45 (MC2016-96)
Negotiated Service Agreements

Docket No. CP2016-121

ORDER APPROVING AMENDMENT ONE TO
FIRST-CLASS PACKAGE SERVICE NEGOTIATED SERVICE AGREEMENT

(Issued September 3, 2019)

I. INTRODUCTION

The Postal Service seeks to amend a First-Class Package Service negotiated service agreement.¹ For the reasons discussed below, the Commission approves the Amendment.

In Order No. 3176, the Commission approved the First-Class Package Service Contract 45 negotiated service agreement (Existing Agreement).² On August 30, 2019,

¹ USPS Notice of Amendment to First-Class Package Service Contract 45, Filed Under Seal, August 30, 2019 (Notice). The amendment is an attachment to the Notice (Amendment).

² See Docket Nos. MC2016-96 and CP2016-121, Order Adding First-Class Package Service Contract 45 to the Competitive Product List, March 23, 2016 (Order No. 3176).

the Postal Service filed notice that it has agreed to the Amendment to the Existing Agreement.

The Postal Service intends for the Amendment to become effective two business days after the date that the Commission completes its review of the Notice. Notice at 1.

II. COMMISSION ANALYSIS

The Commission has reviewed the Notice and the accompanying materials filed under seal.

Cost considerations. The Commission reviews competitive product prices to ensure that each product covers its attributable costs, does not cause market dominant products to subsidize competitive products, and contributes to the Postal Service's institutional costs. 39 U.S.C. § 3633(a); 39 C.F.R. §§ 3015.5 and 3015.7. As long as the revenue generated by the product exceeds its attributable costs, the product is unlikely to reduce the contribution of competitive products as a whole or to adversely affect the ability of competitive products as a whole to contribute an appropriate share of institutional costs. In other words, if a product covers its attributable costs, it is likely to comply with 39 U.S.C. § 3633(a).

The Existing Agreement is set to expire September 20, 2019.³ The Amendment revises the expiration date of the contract to February 28, 2020. Notice, Attachment A at 1. The Amendment also revises a provision related the applicability of other Postal Service publications. *Id.*

The Amendment does not materially affect the underlying financial analysis of the Existing Agreement. Thus, the Commission finds that the Existing Agreement, as amended, comports with the provisions applicable to rates for competitive products in 39 U.S.C. § 3633(a) and 39 C.F.R. § 3015.7.

³ See Order No. 3176 at 9 (setting original expiration date as March 24, 2019); USPS Notice of Extension of First-Class Package Service Contract 45, March 15, 2019, at 1 (revising expiration date to June 22, 2019); USPS Notice of Extension of First-Class Package Service Contract 45, June 13, 2019, at 1 (revising expiration date to September 20, 2019).

Other considerations. The Postal Service states that the Amendment shall become effective two business days after the date that the Commission completes its review. Notice at 1. The Existing Agreement, as amended, is set to expire February 28, 2020. Notice, Attachment A at 1.

If the Existing Agreement, as amended, is terminated prior to the scheduled expiration date, the Postal Service shall promptly notify the Commission.

In conclusion, the Commission approves the Existing Agreement, as amended.

III. ORDERING PARAGRAPHS

It is ordered:

1. The Commission approves the First-Class Package Service Contract 45 negotiated service agreement, as amended.
2. The Postal Service shall notify the Commission if the Existing Agreement, as amended, terminates prior to the revised expiration date, February 28, 2020.

By the Commission.

Darcie S. Tokioka
Acting Secretary