

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
Inbound Competitive Multi-Service Agreements with
Foreign Postal Operators
United States Postal Service
Contractual Bilateral Agreement – FY20-3 (MC2010-34)
Negotiated Service Agreement

Docket No. CP2020-211

NOTICE AND ORDER CONCERNING POSTAL SERVICE FILING
OF INBOUND COMPETITIVE MULTI-SERVICE AGREEMENT
WITH FOREIGN POSTAL OPERATOR – FY20-3

(Issued July 1, 2020)

I. INTRODUCTION

On June 30, 2020, the Postal Service filed a notice with the Commission pursuant to 39 CFR 3035.105 and Order No. 546,¹ giving notice that it has entered into an Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator (FPO).

¹ Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with Foreign Postal Operator – FY20-3, June 30, 2020 (Notice). Docket Nos. MC2010-34 and CP2010-95, Order Adding Inbound Competitive Multi-Service Agreements with Foreign Postal Service Operators 1 to the Competitive Product List and Approving Included Agreement, September 29, 2010 (Order No. 546).

The Notice concerns the inbound portions of the competitive multi-product agreement entered into by the Postal Service and a FPO, referred to as “FPO-USPS Agreement FY20-3.” Notice at 1. The Postal Service seeks to include the FPO-USPS Agreement FY20-3 within the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 (MC2010-34) product. *Id.*

The Postal Service asserts that FPO-USPS Agreement FY20-3 “is functionally equivalent to the baseline agreement filed in Docket No. MC2010-34 because the terms of this agreement are similar in scope and purpose to the terms of the CP2010-95 Agreement.” *Id.* at 3. Concurrent with the Notice, the Postal Service filed supporting financial documentation and the following documents:

- Attachment 1—an application for non-public treatment;
- Attachment 2—the FPO-USPS Agreement FY20-3;
- Attachment 3—Governors’ Decision No. 19-1;
- Attachment 4—a certified statement required by 39 CFR 3035.105(c)(2).

Id. at 5.

The Postal Service states it intends for FPO-USPS Agreement FY20-3 to take effect on July 1, 2020. *Id.* at 1, 2, 6. The Postal Service “acknowledges that, despite the best efforts of the counterparties..., this Notice is not being filed at least 15 days prior to the rates’ intended effective date.”² It maintains that because “settlement would not occur until well after th[e] intended effective date,” the Commission could timely review FPO-USPS Agreement FY20-3 and allow parties to implement rates on July 1, 2020. *Id.* The Postal Service contends that a later implementation date “could lead to complexities in accounting for the time period between July 1 and the date that [FPO-USPS Agreement FY20-3] would become effective.” *Id.*

² *Id.* at 2. The Postal Service’s Notice was filed 1 day prior to the FPO-USPS Agreement FY20-3 intended effective date. See *generally* Notice.

The Postal Service notes that FPO-USPS Agreement FY20-3 provides rates for inbound tracked packets. *Id.* at 6. The Postal Service states that FPO-USPS Agreement FY20-3 is in compliance with 39 U.S.C. 3633 and is functionally equivalent to the inbound competitive portions of the CP2010-95 agreement, which was included in the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 product. *Id.* at 9. For these reasons, the Postal Service states that, “FPO-USPS Agreement FY20-3 should be added to the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 [] product with effect from July 1, 2020.” *Id.*

II. COMMISSION ACTION

The Commission establishes Docket No. CP2020-211 to consider the Notice. Interested persons may submit comments on whether FPO-USPS Agreement FY20-3 is consistent with 39 U.S.C. 3633 and 39 CFR 3035.105 and whether it is functionally equivalent to the inbound competitive portions of the Docket No. CP2010-95 agreement, which was included in the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 product. Comments are due by July 9, 2020.

The Notice and related filings are available on the Commission’s website (<http://www.prc.gov>). The Commission encourages interested persons to review the Notice for further details.

The Commission appoints Christopher C. Mohr to serve as Public Representative in this proceeding.

III. ORDERING PARAGRAPHS

It is ordered:

1. The Commission establishes Docket No. CP2020-211 for consideration of the matters raised by the Notice of United States Postal Service of Filing Functionally

Equivalent Inbound Competitive Multi-Service Agreement with Foreign Postal Operator – FY20-3, filed on June 30, 2020.

2. Pursuant to 39 U.S.C. 505, Christopher C. Mohr is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
3. Comments by interested persons are due by July 9, 2020.
4. The Secretary shall arrange for publication of this Order in the *Federal Register*.

By the Commission.

Erica A. Barker
Secretary