

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

Competitive Product Prices
Priority Mail
Priority Mail Contract 637

Docket No. MC2020-196

Competitive Product Prices
Priority Mail Contract 637 (MC2020-196)
Negotiated Service Agreement

Docket No. CP2020-221

PUBLIC REPRESENTATIVE COMMENTS ON
POSTAL SERVICE REQUEST TO ADD
PRIORITY MAIL CONTRACT 637 TO
COMPETITIVE PRODUCT LIST

(July 13, 2020)

The Public Representative hereby provides comments in this docket which was established to consider the addition of Priority Mail Contract No. 637 to the competitive products list.¹

The Postal Service's Request includes a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. § 3633(a), a public (redacted) version of Governor's Decision No. 19-1 and related analysis, a public version of Priority Mail shipping services Contract 637, and proposed changes to the Mail Classification Schedule competitive product list with the additions underlined. The Postal Service also filed under seal, an unredacted version of Governor's Decision No. 19-1 and Contract 637, and supporting financial data estimating the contract value during the first year.

¹ USPS Request to Add Priority Mail Contract 637 to the Competitive Product List and Notice of Filing Materials Under Seal, July 7, 2020 (Request).

According to the Postal Service, Priority Mail Contract 637 is a competitive product featuring rates “not of general applicability” within the meaning of 39 U.S.C. § 3632(b)(3). Request at 1. The Postal Service also maintains that the prices and classification changes applicable to Contract 637 are supported by Governors’ Decision No. 19-1.² The Postal Service further asserts that the Statement of Supporting Justification (Statement) provides support for adding Contract 637 to the competitive product list and the compliance of the instant contract with 39 U.S.C. § 3633(a). *Id.*, Attachment D.

The effective date for Contract 637 is three (3) business days following the day on which the Commission issues all necessary regulatory approvals. Attachment B, at 7. The contract will expire 3 years from the effective date unless either party terminates the contract on 30 days’ prior written notification, or other specific events. *Id.*

COMMENTS

The Public Representative has reviewed the Postal Service’s Request, the Statement of Supporting Justification, as well as Contract 637 and the financial data filed under seal with the Postal Service’s Request. Based upon that review, the Public Representative concludes that Priority Mail Contract 637 should be classified as a competitive product and added to the competitive product list. In addition, Contract 637 is projected to generate sufficient revenues to cover costs during its first year thereby satisfying 39 U.S.C. § 3633(a).

² Decision of the Governors of the United States Postal Service on Establishment of Prices and Classifications for Domestic Competitive Agreements, Outbound International Competitive Agreements, Inbound International Competitive Agreements, and Other Non-Published Competitive Rates, February 7, 2019, (Governors’ Decision No. 19-1).

Product List Assignment. Pursuant to 39 U.S.C. § 3642, the Postal Service requests that Priority Mail Contract 637 be added to the competitive product list. 39 U.S.C. § 3642 requires the Commission to consider whether “the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products.” 39 U.S.C. § 3642(b)(1). Products over which the Postal Service exercises such power are categorized as market dominant while all others are categorized as competitive.

The Postal Service’s Statement of Supporting Justification (Statement) makes a number of assertions that address the considerations of section 3642(b)(1). Request, Attachment D at 2. These assertions appear reasonable. Based upon the Statement, the Public Representative concludes that the Postal Service’s Request to add Priority Mail Contract 637 to the competitive product list is appropriate.

Requirements of 39 U.S.C. § 3633. Pursuant to 39 U.S.C. § 3633(a), the Postal Service’s competitive prices must not result in the subsidization of competitive products by market dominant products; ensure that each competitive product will cover its attributable costs; and, ensure that all competitive products collectively contribute an appropriate share of the institutional costs of the Postal Service. Based upon a review of the financial data, the negotiated prices for Contract 637 are projected to generate sufficient revenues to cover costs during the first year of the contract and therefore meet the requirements of 39 U.S.C. § 3633(a). In addition, while Contract 637 is expected to remain in effect for a period of 3 years, during this period, the contract contains a mechanism for the annual adjustment of prices.

Finally, the Postal Service must file actual revenue and cost data for Contract 637 in future Annual Compliance Reports. These data will permit the Commission to annually review the financial results for Priority Mail Contract 637 for compliance with 39 U.S.C. § 3633(a).

The Public Representative respectfully submits the foregoing comments for the Commission's consideration.

Kenneth R. Moeller
Public Representative

901 New York Ave. NW
Washington, DC 20268-0001
202-789-6888
kenneth.moeller@prc.gov