

ORDER NO. 5837

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

Before Commissioners:

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

Competitive Product Prices
Priority Mail Express, Priority Mail,
First-Class Package Service & Parcel Select Contract 3
(MC2020-76)
Negotiated Service Agreements

Docket No. CP2020-75

ORDER APPROVING AMENDMENT ONE TO PRIORITY MAIL EXPRESS, PRIORITY
MAIL, FIRST-CLASS PACKAGE SERVICE & PARCEL SELECT NEGOTIATED
SERVICE AGREEMENT

(Issued February 23, 2021)

I. INTRODUCTION

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

¹ USPS Notice of Amendment to Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 3, Filed Under Seal, February 19, 2021 (Notice). The amendment is an attachment to the Notice (Amendment).

II. BACKGROUND

In Order No. 5384, the Commission approved the Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 3 negotiated service agreement (Existing Agreement).² On February 19, 2021, 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 three business days after the date that the Commission completes its review of the Notice. Notice at 1.

III. 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. §§ 3035.105 and 3035.107. 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 Amendment revises the conditions under which the contract partner receives various discounts present under the Existing Agreement. Notice, Attachment A at 1-4. The Amendment also stipulates that the Postal Service will provide the contract partner

² See Docket Nos. MC2020-76 and CP2020-75, Order Adding Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 3 to the Competitive Product List, December 30, 2019 (Order No. 5384).

with standard packaging, removing the contract partner's ability to qualify for specialized or customized packaging. *Id.* at 1.

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. § 3035.107.

Other considerations. The Postal Service states that the Amendment shall become effective three business days after the date that the Commission completes its review. Notice 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.

IV. ORDERING PARAGRAPHS

It is ordered:

1. The Commission approves the Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 3 negotiated service agreement, as amended.
2. The Postal Service shall notify the Commission if the Existing Agreement, as amended, terminates prior to the scheduled expiration date.

By the Commission.

Erica A. Barker
Secretary