

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

Before Commissioners:

Ruth Y. Goldway, Chairman;
Tony L. Hammond, Vice Chairman;
Mark Acton;
Dan G. Blair; and
Nanci E. Langley

Competitive Product Prices
Priority Mail
Priority Mail Contract 23

Docket No. MC2010-9

Competitive Product Prices
Priority Mail Contract 23 (MC2010-9)
Negotiated Service Agreement

Docket No. CP2010-9

NOTICE AND ORDER CONCERNING PRIORITY MAIL CONTRACT 23
NEGOTIATED SERVICE AGREEMENT

(Issued November 9, 2009)

I. INTRODUCTION

Pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 23 to the Competitive Product List.¹ The Postal Service asserts that Priority Mail Contract 23 is a competitive product “not of general applicability” within the meaning of 39 U.S.C. 3632(b)(3). The Postal Service states that prices and classification underlying this

¹ Request of the United States Postal Service to Add Priority Mail Contract 23 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, November 5, 2009. (Request)

contract are supported by Governors' Decision No. 09-06 in Docket No. MC2009-25. *Id.* at 1. The Request has been assigned Docket No. MC2010-9.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2010-9.

Request. In support of its Request, the Postal Service filed the following materials: (1) a redacted version of the Governors' Decision, originally filed in Docket No. MC2010-25, authorizing certain Priority Mail contracts;² (2) a redacted version of the contract;³ (3) a requested change in the Competitive Product List;⁴ (4) a Statement of Supporting Justification as required by 39 CFR 3020.32;⁵ (5) a certification of compliance with 39 U.S.C. 3633(a);⁶ and (6) an application for non-public treatment of the materials filed under seal.⁷

In the Statement of Supporting Justification, Mary Prince Anderson, Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.*, Attachment D. Thus, Ms. Anderson contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

Related contract. A redacted version of the specific Priority Mail Contract 23 is included with the Request. The contract will become effective on the day that the Commission provides all necessary regulatory approvals. It is terminable upon 30 days'

² Attachment A to the Request, reflecting Governors' Decision No. 09-06, April 27, 2009.

³ Attachment B to the Request.

⁴ Attachment C to the Request.

⁵ Attachment D to the Request.

⁶ Attachment E to the Request.

⁷ Attachment F to the Request.

notice by either party, but could continue for up to one year. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). See *id.*, Attachment D. The Postal Service will provide Priority Mail packaging for items mailed by the shipper.

The Postal Service filed much of the supporting materials, including the specific Priority Mail Contract 23, under seal. In its Request, the Postal Service maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, terms, conditions, cost data, and financial projections should remain under seal. *Id.* at 2. It also requests that the Commission order that the duration of such treatment of all customer identifying information be extended indefinitely, instead of ending after 10 years. *Id.*, Attachment F, at 1 and 7.

II. NOTICE OF FILINGS

The Commission establishes Docket Nos. MC2010-9 and CP2010-9 for consideration of the Request pertaining to the proposed Priority Mail Contract 23 product and the related contract, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this Order; however, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020, subpart B. Comments are due no later than November 17, 2009. The public portions of these filings can be accessed via the Commission's website (www.prc.gov).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

III. SUPPLEMENTAL INFORMATION

The Request does not indicate whether the instant contract is intended to replace an existing contract. The Postal Service should clarify the Request, identifying, if appropriate, the contract being terminated. Clarification is due no later than November 13, 2009.

IV. ORDERING PARAGRAPHS

It is Ordered:

1. The Commission establishes Docket Nos. MC2010-9 and CP2010-9 for consideration of the matter raised in each docket.
2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.
3. Clarification of the Request is due no later than November 13, 2009.
4. Comments by interested persons in these proceedings are due no later than November 17, 2009.
5. The Secretary shall arrange for publication of this Order in the *Federal Register*.

By the Commission.

Shoshana M. Grove
Secretary