

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

Review of Nonpostal Services

Docket No. MC2008-1
(Phase II)

PRELIMINARY ORDER ON POSTAL SERVICE'S
MOTION FOR EXPEDITED STAY

(Issued June 25, 2010)

On January 14, 2010, Order No. 392 directed that the Postal Service terminate the nonpostal service of licensing the sale of USPS-branded mailing and shipping products at retail locations other than Postal Service facilities by December 31, 2010.¹ A United States Postal Service Motion for an Expedited Stay of Order No. 392 Relating to the LePage's License Agreement (Motion) was filed June 21, 2010.²

The Motion notes that on March 31, 2010, LePage's 2000, Inc. and LePage's Products, Inc. (LePage's) stated in a pleading with the Commission that it intended to

¹ Phase II Review of Nonpostal Services Under the Postal Accountability and Enhancement Act, January 14, 2010 (Order No. 392).

² LePage's 2000, Inc. and LePage's Products, Inc. filed a Concurrence in the USPS' Motion for an Expedited Stay of Order No. 392 Relating to the LePage's License Agreement on June 24, 2010.

request the Commission to reconsider Order No. 392. Motion at 1. The Motion asks the Commission to stay Order No. 392 until such time as the Commission issues its decision regarding any request for reconsideration filed by LePage's. In support, the Postal Service indicates that if it must comply with Order No. 392, it would like to provide termination notice that gives LePage's the benefit of a 180-day sell-off period, although that may not be legally required. *Id.* at 4 and note 3.³

At present, no party has formally requested reconsideration of Order No. 392; the Commission accordingly finds no basis for granting the Motion at this juncture. The Motion will be held in abeyance. If and when LePage's files a request for reconsideration, the Motion will be evaluated on an expedited basis.

Robert Sidman is on special assignment at this time and is unavailable to continue to serve as Public Representative in this case. Malin Moench is appointed to serve as Public Representative while Mr. Sidman remains unavailable.

It is Ordered:

1. The United States Postal Service Motion for an Expedited Stay of Order No. 392 Relating to the LePage's License Agreement, filed June 21, 2010, will be considered if and when a request for reconsideration of Order No. 392 is filed with the Commission.
2. The Postal Service is directed to file promptly a complete copy of its agreement with LePage's.

³ To facilitate review of the need for a stay, the Postal Service is directed to file promptly a complete copy of its agreement with LePage's, which may be filed under seal if appropriate.

3. Answers to the Motion are due two (2) business days after LePage's files its motion for reconsideration.
4. Malin Moench will serve as Public Representative in this docket during the unavailability of Robert Sidman.

By the Commission.

Shoshana M. Grove
Secretary