

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

COMPETITIVE PRODUCT PRICES  
GLOBAL DIRECT CONTRACTS 1 (MC2010-17)  
NEGOTIATED SERVICE AGREEMENT

Docket No.  
CP2010-19

**MOTION OF THE UNITED STATES POSTAL SERVICE  
FOR TEMPORARY RELIEF**  
(January 5, 2011)

In PRC Order No. 85, the Postal Regulatory Commission (Commission) noted that it “stands ready to act quickly on requests for temporary relief based on extenuating circumstances” that threaten to interrupt the provision of rates to a customer as a result of the regulatory process and the statutory requirement of 39 U.S.C. § 3632(b)(3).<sup>1</sup> The customer whose competitive product rates were established in this docket is currently reviewing a successor agreement to the contract which is the subject of this docket. The successor agreement would continue the customer’s commitment to send large volumes of Letter Post items bearing foreign postage indicia and indicia for an additional year at negotiated rates. By the terms of the contract filed in this docket, the current rates will expire on January 10, 2011.

The Postal Service filed a draft successor agreement with ample time for the Commission to complete its 15-day review by January 10, 2011.<sup>2</sup> Although the Postal

<sup>1</sup> PRC Order No. 85, Order Concerning Global Plus Negotiated Service Agreements, Docket Nos. CP2008-8, CP2008-9, and CP2008-10, June 27, 2008, at 10. In relevant part, 39 U.S.C. § 3632(b)(3) requires that rates not of general applicability established for competitive provides be filed with the Commission at least 15 days in advance of their effective date.

<sup>2</sup> Notice of United States Postal Service Filing of Functionally Equivalent Global Direct Contracts 1 Negotiated Service Agreement, Docket No. CP2011-52, December 23, 2010.

Service took steps to avoid any interruption in its ability to provide this customer access to negotiated rates, the customer has not yet been able to complete its review of the instrument.

Based on the Postal Service's current understanding of the customer's internal review process, the earliest the Postal Service might be able to file a signed agreement in the CP2011-52 docket is likely to be Tuesday, January 11, 2011. According to PRC Order No. 632,<sup>3</sup> comments would then be due on the signed contract by Tuesday, January 18, 2011, and the 15-day notice period would end on Wednesday, January 26, 2011.<sup>4</sup> In that case, there will be a gap between the expiration date of the existing contract in this docket on January 10, 2011, and the effective date of the new contract, while the Commission completes its review. Thus, the customer faces the prospect of an interruption in its access to negotiated rates as a result of the processes in which its contract must undergo when it does business with the Postal Service, rather than with one of the Postal Service's competitors.

Therefore, the Postal Service respectfully requests that the Commission grant an extension to allow the existing contract to remain on the competitive products list until the sooner of February 3, 2011, or three business days after the Commission has reviewed the customer's renewal agreement and acted on the Postal Service's request to add the new agreement to the competitive products list as part of the Global Direct Contracts 1 product.<sup>5</sup> The three additional business days will give the Postal

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<sup>3</sup> PRC Order No. 632, Order Extending Time for Comments, Docket No. CP2011-52, December 30, 2010.

<sup>4</sup> If the Postal Service files a signed agreement in PRC Docket No. CP2011-52, the Postal Service anticipates filing shortly thereafter a Motion for Reconsideration of Order No. 632, to request that the Commission expedite the review of the signed renewal agreement.

<sup>5</sup> In Order No. 632, at 2, the Commission stated "[i]f necessary, the Postal Service may seek to extend the existing Global Direct Contract by filing a motion for temporary relief."

Service adequate time to establish with the customer the dates for the termination date of the instant contract and the start date of the successor contract.

If the Commission decides to grant this Motion for Temporary Relief, the Postal Service requests that the Commission provide the Postal Service with two business days prior to January 10, 2011, to give effect to the Commission's granting of an extension to allow the existing contract to remain on the competitive products list. This additional time is needed for programming and contract administration reasons. Consequently, the Postal Service respectfully requests the Commission to issue its order concerning this Motion for Temporary Relief no later than tomorrow, Thursday, January 6, 2011.

### ***Conclusion***

For the reasons discussed above, and in consideration of the customer's business continuity, the Postal Service asks the Commission to grant its request for temporary relief and allow the negotiated service agreement in this docket to remain on the competitive products list until the sooner of February 3, 2011, or three business days after the Commission has reviewed the customer's renewal agreement and acted on the Postal Service's request to add the new agreement to the competitive products list as part of the Global Direct Contracts 1 product.

Respectfully submitted,

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