

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

ANNUAL COMPLIANCE REPORT, 2010

Docket No. ACR2010

MOTION OF THE UNITED STATES POSTAL SERVICE REQUESTING
STAY OF THE REMEDIAL PROVISIONS REGARDING STANDARD FLATS
SET FORTH IN THE FY 2010 ANNUAL COMPLIANCE DETERMINATION
(May 17, 2011)

The Postal Service hereby requests that the Commission stay those portions of the FY2010 Annual Compliance Report (March 29, 2011) in which the Postal Service is directed to take specific remedial action regarding the Standard Mail Flats product. On pages 106-107, the Postal Service is directed both to take general remedial action (“increase the cost coverage of the Standard Mail Flats product”) without a set deadline, and more specific action (“present a schedule of above-CPI price increases for Standard Mail Flats”) within 90 days of the issuance of the ACD. Since the ACD was released on March 29, 2011, the 90-day period would expire on June 27, 2011.

On April 27, 2011, the Postal Service filed a petition for review of the FY2010 ACD in the United States Court of Appeals for the District of Columbia Circuit. *US Postal Service v Postal Regulatory Commission*, No. 11-1117 (D.C. Cir.). Because the Standard Flats portion of the ACD is the portion which the Postal Service intends to challenge before the court, it would be potentially wasteful of the parties’ resources, particularly those of the Postal Service, to require what are essentially planning steps for completion of a process when the fundamental merits of that process are before the

court. This is not a situation in which, unless work begins immediately on constructing a detailed step-by-step plan, accomplishment of the remedy contemplated by the Commission would necessarily be delayed. Instead, were the court to later uphold the Commission on the merits, appropriate steps could promptly be taken at that time.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

Eric P. Koetting

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