

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

COMPETITIVE PRODUCT PRICES
EXPRESS MAIL & PRIORITY MAIL
EXPRESS MAIL & PRIORITY MAIL CONTRACT 2

Docket No. MC2009-12

COMPETITIVE PRODUCT PRICES
EXPRESS MAIL & PRIORITY MAIL CONTRACT 2
(MC2009-12)
NEGOTIATED SERVICE AGREEMENT

Docket No. CP2009-14

**MOTION OF THE UNITED STATES POSTAL SERVICE
FOR TEMPORARY RELIEF**
(December 14, 2011)

In PRC Order No. 85, the 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).¹ The customer whose competitive product rates were established in this docket wishes to renew its commitment to sending large volumes of Express Mail and Priority Mail for the next year at negotiated rates. By the terms of the contract filed in this docket, the current rates will expire on December 17, 2011.

The Postal Service and the customer have been working cooperatively to reach a new agreement, which would have avoided any interruption in the Postal Service’s ability to provide this customer access to negotiated rates. However, because of

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

extenuating circumstances, the Postal Service and the customer have been unable to reach an agreement on the terms of the new contract in time for the Postal Service to file the new agreement 15 days prior to the intended effective date.

To further complicate matters, negotiations will be delayed over the next month because of the holiday season and press of other business. Nevertheless, the Postal Service and the customer expect to reach agreement on a new contract in early 2012. Because of the timing of the regulatory process, there will be a window between the expiration of the existing contract in this docket and the effective date of the new contract, while the Commission completes its review. Thus, the customer now faces the prospect of an interruption in its access to negotiated rates as a result of the processes that it must participate in when it does business with the Postal Service, rather than with one of the Postal Service's competitors.

To avoid this result, the Postal Service respectfully requests that the Commission grant a sixty-day extension to allow the existing contract to remain in effect until such time as the parties are able to reach a new agreement after the holidays, and the Commission is able to complete its review of the new agreement. Thus, the proposed extension would only last for a finite and relatively short period of time.² In conclusion, for the reasons discussed above, and in consideration of the customers' business continuity, the Postal Service hereby moves for temporary relief to allow the existing contract to remain on the competitive products list until the effective date for the new contract is established.

² If the Commission concludes that a sixty-day extension is not warranted, the Postal Service respectfully requests a thirty-day extension so that the parties may sign an amendment to the existing contract to extend the termination date, and file that amendment with the Commission.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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