

ORDER NO. 2816

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

Before Commissioners:

Robert G. Taub, Acting Chairman;
Tony Hammond, Vice Chairman;
Mark Acton;
Ruth Y. Goldway; and
Nanci E. Langley

Competitive Product Prices
Priority Mail Contract 44 (MC2013-2)
Negotiated Service Agreement

Docket No. CP2013-2

ORDER GRANTING SECOND MOTION FOR TEMPORARY RELIEF

(Issued November 13, 2015)

The negotiated service agreement approved in this proceeding (Existing Agreement) is set to expire November 19, 2015.¹ On November 12, 2015, the Postal Service filed a second motion for temporary relief seeking to extend the expiration date of the Existing Agreement by 30 additional days.²

¹ See Docket Nos. MC2013-2 and CP2013-2, Order No. 1508, Order Adding Priority Mail Contract 44 to the Competitive Product List, October 19, 2012, at 4 (noting that the Existing Agreement was to expire 3 years after the date the Commission issued all necessary approvals); see *also* Order No. 2759, Order Granting Motion for Temporary Relief, October 16, 2015, at 2 (extending the expiration date of the Existing Agreement to November 19, 2015).

² Motion of the United States Postal Service for Temporary Relief, November 12, 2015 (Motion).

The Postal Service states that it sent a finalized successor contract to the customer for signature and expected to receive a signed agreement earlier this month, which would have avoided the need for an additional extension. Motion at 1. However, the customer's representative unexpectedly traveled out of the country on other business. *Id.* Therefore, the contract remains unsigned despite an agreement in principle on prices and terms for the successor contract. *Id.* The Postal Service maintains that it will likely have a signed contract within the next two weeks, and intends to file it with the Commission shortly thereafter. *Id.* It requests a 30-day extension to allow for the customer's business continuity and provide an opportunity for the Commission to review the successor contract. *Id.* at 1-2.

The request for temporary relief filed in this docket is not unique. Indeed, it is part of a growing pattern. In Order No. 2753, the Commission reiterated its expectation that "any future extensions 'should state with particularity the circumstances necessitating the additional extension.'"³

The Commission, however, recognizes that the Postal Service has made a good faith effort to comply with the expectations set forth in Order No. 2753 by stating the circumstances around the current request with particularity. Further, the circumstances outlined in the Motion were outside of the Postal Service's control. Given the interest in maintaining continuity for the Postal Service's customer and the Commission's expectation that a successor agreement will be filed with the Commission within the next few weeks, the Commission grants the Motion.

The Existing Agreement may continue through and will expire on December 19, 2015, unless terminated earlier pursuant to the terms of the agreement.

³ Docket No. CP2012-46, Order Granting Second Motion for Temporary Relief, October 15, 2015, at 2 (Order No. 2753) (*citing* Order No. 2660, Order Granting Motion for Temporary Relief in Part, August 12, 2015, at 2).

It is ordered:

1. The Motion of the United States Postal Service for Temporary Relief, filed November 12, 2015, is granted.
2. The Existing Agreement will expire December 19, 2015, or the day after the Commission completes its review of the successor agreement, whichever occurs first.

By the Commission.

Stacy L. Ruble
Secretary