

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Market Test of Experimental Product-
Global eCommerce Marketplace (GeM)
Non-Published Rates

Docket No. MT2016-1

CHAIRMAN'S INFORMATION REQUEST NO. 2

(Issued April 5, 2016)

To clarify the Postal Service's notice of its intent to conduct a market test of an experimental product called Global eCommerce Marketplace (GeM) Merchant filed March 16, 2016,¹ the Postal Service is requested to provide written responses to the following questions. For each of the following contract provisions (1-19), answers to questions a and b and, if applicable, an amended Model Contract, should be provided as soon as they are developed, but no later than April 11, 2016.

Contract Provisions 1-19:

1. Recitals, paragraph 1. Notice, Attachment 3 at 1.
2. Definitions, paragraph 1.1.2. *Id.*
3. Definitions, paragraph 1.1.3. *Id.*
4. Postage Payment, paragraph 1.2.1. *Id.* at 2.
5. Postage Payment, paragraph 1.2.2. *Id.* at 3.
6. Postage Payment, paragraph 1.2.3. *Id.*
7. Customer Responsibilities, paragraph 2.5. *Id.*
8. Customer Responsibilities, paragraph 2.6. *Id.*

¹ Notice of the United States Postal Service of Market Test of Experimental Product- Global eCommerce Marketplace (GeM) Merchant Solution and Notice of Filing GeM Merchant Model Contract and Application for Non-Public Treatment of Materials Filed Under Seal, March 16, 2016 (Notice). The Postal Service includes a redacted version of the Model Contract as Attachment 3 to the Notice.

9. Customer Responsibilities, paragraph 2.7. *Id.*
10. Postal Service Responsibilities, paragraph 3.1.2. *Id.* at 4.
11. Postal Service Responsibilities, paragraph 3.1.3. *Id.*
12. Items as Mail and Related Matters, paragraph 4.2. *Id.* at 5.
13. Section 6's title and paragraph 6.1. *Id.*
14. Term, paragraph 7.1. *Id.* at 5-6.
15. Termination, paragraph 7.2. *Id.* at 6.
16. Market Test Review, paragraph 8.1. *Id.* at 7.
17. Limitation of Liability, paragraph 10.1. *Id.* at 8.
18. The last three lines of Power of Attorney, paragraph 11.1, which are located directly above subparagraphs (1)-(4). *Id.*
19. Dispute Resolution Mechanism, paragraph 16.1. *Id.* at 12-13.

Questions Applicable to Contract Provisions 1-19:

- a. Does the Postal Service object to filing an amended Model Contract that removes the redactions on the contract provisions listed above (1-19)? If not, please file an amended Model Contract with the response.
- b. If the Postal Service objects to removing the redactions, please explain the basis for the objection.
 - i. Any objection should identify the specific statutory basis for the objection, justify the application of the statute to the contract provision, and explain the nature and extent of the commercial harm alleged to result from disclosure and the likelihood of such harm occurring. See 39 C.F.R. §§ 3007.21(c)(1), (4).
 - ii. The Postal Service should also specify if the objection applies to all or a particular part of the referenced contract provision.

- iii. Any objection to provisions 1-4, 7, 10, and 16 should also explain why redaction is necessary in light of the information made public by the Postal Service in the Notice.
- iv. Any objection to provisions 5-6, 11, and 18 should also explain why redaction is necessary in light of the information made public by the Postal Service in the current redacted version of the Model Contract.

By the Acting Chairman.

Robert G. Taub