

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

Before Commissioners:

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

Competitive Product Prices
Global Expedited Package Services 3 (MC2010-28)
Negotiated Service Agreement

Docket No. CP2015-77

ORDER GRANTING MOTION FOR TEMPORARY RELIEF
AND APPROVING MODIFICATION THREE

(Issued August 31, 2016)

The negotiated service agreement approved in this proceeding (Existing Agreement) is set to expire August 31, 2016.¹ On August 30, 2016, the Postal Service filed a combined motion for temporary relief and notice of filing a modification

¹ The referenced expiration date reflects an extension of the original expiration date of June 15, 2016. See Order No. 3339, Order Granting Motion for Temporary Relief, June 2, 2016, at 1-2; see also Order No. 3443, Order Granting Motion for Temporary Relief and Approving Modification Two, July 20, 2016, at 1-2; Order No. 2536, Order Approving Additional Global Expedited Package Services 3 Negotiated Service Agreement, June 9, 2015, at 6, 8.

(Modification Three) to the Existing Agreement.² The combined filing seeks to extend the expiration date of the Existing Agreement to November 30, 2016, without making any other changes to the Existing Agreement. Motion at 1; *id.* Attachment 1 at 1.

The Postal Service states that it expects to file a successor to the Existing Agreement in a new docket and, pending the initiation of that docket, seeks a brief extension of the Existing Agreement to maintain continuity of pricing and other terms and conditions. Motion at 1-2.

In Order No. 1523, the Commission directed the Postal Service to file motions for temporary relief at least one week prior to the contract's expiration date.³ The Motion was filed on August 30, 2016, just one day before the Existing Agreement's expiration date. The Postal Service acknowledges that it has been directed to file such motions at least one week prior to the contract's expiration date. Motion at 2, n.3. However, the Postal Service explains that "in this instance, the modification was sent to the customer in early August 2016, and the customer signed the modification; but, as a result of miscommunications, the Postal Service did not manage to sign the modification until [August 30]." *Id.* The Commission reiterates the importance of filing motions for temporary relief at least one week before the contract expires. Future motions for temporary relief should comply with this expectation, as set forth in Order No. 1523.

The Commission grants the Motion and approves Modification Three. The brief extension is in the public interest, as it will not impair the ability of the Existing Agreement to comply with 39 U.S.C. § 3633, will avoid disruption in contract

² Motion of the United States Postal Service for Temporary Relief and Notice of the United States Postal Service of Filing a Modification Three to a Global Expedited Package Services 3 Negotiated Service Agreement, August 30, 2016 (Motion). The customer and the Postal Service have executed Modification Three. Motion at 1. A redacted version of Modification Three appears as Attachment 1 to the Motion. *Id.* n.2. The Postal Service filed an unredacted version of Modification Three under seal and incorporated by reference a previous Application for Non-Public Treatment of Materials Filed Under Seal. *Id.*; see also Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, May 26, 2015, Attachment 4.

³ See Docket No. CP2009-38, Order Granting Motion for Temporary Relief and Providing Guidance Regarding Future Motions for Temporary Relief, November 1, 2012, at 2 (Order No. 1523).

administration, and will not prejudice any person. Consequently, the Existing Agreement is modified to continue through November 30, 2016, unless terminated earlier pursuant to contractual terms.

It is ordered:

1. The Motion of the United States Postal Service for Temporary Relief, filed August 30, 2016, is granted.
2. The Commission approves Modification Three, filed by the Postal Service on August 30, 2016.
3. The Mail Classification Schedule will continue to list the Existing Agreement according to the terms set forth in Modification Three.

By the Commission.

Stacy L. Ruble
Secretary