

Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov) or 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

On July 20, 2010, the Postal Service filed a notice announcing that it has entered into two additional Global Expedited Package Services 3 (GEPS 3) contracts.<sup>1</sup> The Postal Service believes the instant contracts are functionally equivalent to previously submitted GEPS contracts, and are supported by Governors' Decision No. 08-7, attached to the Notice and originally filed in Docket No. CP2008-4. *Id.* at 1-2, Attachment 3. The Notice also explains that Order No. 86, which established GEPS 1 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 1-2. In Order No. 290, the Commission approved the GEPS 2 product.<sup>2</sup> In Docket Nos. MC2010-28 and CP2010-71, the Postal Service requested that the Commission add GEPS 3 to the competitive product list.<sup>3</sup> Additionally, the Postal Service requested that the contract in that docket be considered the baseline contract for future functional equivalence analyses of the GEPS 3 product.

*The instant contracts.* The Postal Service filed the instant contracts pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that each contract is in accordance with Order No. 86. The term of each contract is 1 year

<sup>1</sup> Notice of United States Postal Service Filing of Two Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreements and Application for Non-Public Treatment of Materials Filed Under Seal, July 20, 2010 (Notice).

<sup>2</sup> Docket No. CP2009-50, Order Granting Clarification and Adding Global Expedited Package Services 2 to the Competitive Product List, August 28, 2009 (Order No. 290).

<sup>3</sup> See Docket Nos. MC2010-28 and CP2010-71, Notice and Request of the United States Postal Service to Add Global Expedited Package Services 3 to the Competitive Products List and Notice of Filing of Functionally Equivalent Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, July 14, 2010.

from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received. Notice at 3. The Postal Service relates that one of the instant contracts is for the same mailer as in Docket No. CP2009-51. It states that the mailer's current contract ends August 8, 2010, and it expects the new contract to begin August 9, 2010.

In support of its Notice, the Postal Service filed four attachments as follows:

- Attachments 1A and 1B—redacted copies of the two contracts and applicable annexes;
- Attachments 2A and 2B—a certified statement required by 39 CFR 3015.5(c)(2) for each contract;
- Attachment 3—a redacted copy of Governors' Decision No. 08-7 which establishes prices and classifications for GEPS contracts, a description of applicable GEPS contracts, formulas for prices, an analysis and certification of the formulas and certification of the Governors' vote; and
- Attachment 4—an application for non-public treatment of materials to maintain redacted portions of the contracts and supporting documents under seal.

The Notice advances reasons why the instant GEPS 3 contracts fit within the Mail Classification Schedule language for GEPS. The Postal Service identifies customer-specific information and general contract terms that distinguish the instant contracts from the baseline GEPS 3 agreement all of which are highlighted in the Notice. *Id.* at 5. These modifications as described in the Postal Service's Notice apply to each of the instant contracts.

The Postal Service contends that the instant contracts are functionally equivalent to the baseline contract for GEPS 3 and share the same cost and market characteristics as the previously filed GEPS contracts. *Id.* at 4. It states that in spite of differences including updates and volume or postage commitments of customers, the changes do not alter the contracts' functional equivalency. *Id.* at 5. The Postal Service asserts that "[b]ecause the agreements incorporate the same cost attributes and methodology, the relevant characteristics of these two GEPS contracts are similar, if not the same, as the relevant characteristics of previously filed contracts." *Id.*

The Postal Service also contends that its filings demonstrate that each of the new GEPS 3 contracts complies with the requirements of 39 U.S.C. 3633. It requests that the contracts be included within the GEPS 3 product. *Id.* at 6.

**II. Notice of Filing**

The Commission establishes Docket Nos. CP2010-73 and CP2010-74 for consideration of matters related to the contracts identified in the Postal Service's Notice.

These dockets are addressed on a consolidated basis for purposes of this order. Filings with respect to a particular contract should be filed in that docket.

Interested persons may submit comments on whether the Postal Service's contracts are consistent with the policies of 39 U.S.C. 3632, 3633 or 3642. Comments are due no later than July 29, 2010. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned proceedings.

**III. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket Nos. CP2010-73 and CP2010-74 for consideration of matters raised by the Postal Service's Notice.

2. Comments by interested persons in these proceedings are due no later than July 29, 2010.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Shoshana M. Grove**

*Secretary.*

[FR Doc. 2010-18821 Filed 7-30-10; 8:45 am]

**BILLING CODE 7710-FW-S**

**POSTAL REGULATORY COMMISSION**

[Docket Nos. MC2010-30 and CP2010-75; Order No. 499]

**New Postal Product**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add Priority Mail Contract 25 to the competitive product list. The Postal Service has also filed a related contract. This notice addresses procedural steps associated with the filing.

**DATES:** Comments are due: August 2, 2010.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov) or 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

Pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 25 to the competitive product list.<sup>1</sup> The Postal Service asserts that Priority Mail Contract 25 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). *Id.* at 1. The Postal Service states that prices and classification underlying this contract are supported by Governors' Decision No. 09-6 in Docket No. MC2009-25. *Id.* The Request has been assigned Docket No. MC2010-30.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2010-75.

*Request.* In support of its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of the Governor's Decision No. 09-6, originally filed in Docket No. MC2009-25, authorizing certain Priority Mail contracts;
- Attachment B—a redacted copy of the contract;
- Attachment C—a proposed change in the Mail Classification Schedule competitive product list;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to

maintain redacted portions of the contract and supporting document under seal.

In the Statement of Supporting Justification, Brian G. Denny, Acting Manager, Sales and Communication, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.*, Attachment D. Thus, Mr. Denny contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

*Related contract.* A redacted version of the specific Priority Mail Contract 25 is included with the Request. The contract will become effective on the day that the Commission provides all necessary regulatory approvals. It is terminable upon 30 days notice by a party, but could continue for 3 years. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *See id.*, Attachment D. The Postal Service will provide the shipper with Priority Mail packaging for eligible Priority Mail items mailed by the shipper.

The Postal Service filed much of the supporting materials, including the specific Priority Mail Contract 25, under seal. It maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, terms, conditions, cost data, and financial projections should remain under seal. *See* Attachment F. It also requests that the Commission order that the duration of such treatment of all customers identifying information be extended indefinitely, instead of ending after 10 years. *Id.* at 7.

**II. Notice of Filings**

The Commission establishes Docket Nos. MC2010-30 and CP2010-75 for consideration of the Request pertaining to the proposed Priority Mail Contract 25 product and the related contract, respectively. In keeping with practice, these dockets are addressed on a consolidated basis for purposes of this order. However, future filings should be made in the specific docket in which issues being addressed pertain.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642 and 39 CFR part 3015 and 39 CFR 3020, subpart B. Comments are due no later than

August 2, 2010. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

**III. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket Nos. MC2010-30 and CP2010-75 for consideration of the matter raised in each docket.

2. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than August 2, 2010.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Shoshana M. Grove**

*Secretary.*

[FR Doc. 2010-18858 Filed 7-30-10; 8:45 am]

**BILLING CODE 7710-FW-S**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #12242 and #12243]**

**Kentucky Disaster #KY-00035**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA-1925-DR), dated 07/23/2010.

*Incident:* Severe storms, flooding, and mudslides.

*Incident Period:* 07/17/2010 and continuing.

*Effective Date:* 07/23/2010.

*Physical Loan Application Deadline Date:* 09/21/2010.

*Economic Injury (EIDL) Loan Application Deadline Date:* 04/25/2011.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:**

A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the

<sup>1</sup> Request of the United States Postal Service to Add Priority Mail Contract 25 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, July 21, 2010 (Request).