

Service Agreement with Foreign Postal Operators 1 product. Notice at 2.

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

- Attachment 1—an application for non-public treatment of materials to maintain redacted portions of the agreement and supporting documents under seal; and
- Attachment 2—a redacted copy of the China Post 2011 Agreement.

China Post 2011 Agreement. The Postal Service filed the instant contract pursuant to 39 CFR 3010.40 *et seq.* The Postal Service states that the proposed inbound market dominant rates are intended to become effective on October 1, 2011 after the rates that are currently in effect under the China Post 2010 Agreement expires on September 30, 2011. *Id.* at 3. The China Post 2011 Agreement provides that it becomes effective after all regulatory approvals have been received, acceptance of specific business rules by both parties, notification to China Post, and mutual agreement on an effective date. *Id.* Attachment 2 at 2. The agreement however, may be terminated by either party no less than 30 days' written notice. *Id.* at 3. It states that public notice of the rates is provided through its filing at least 45 days before the proposed effective date. Notice at 3. The Postal Service and China Post Group, the postal operator for China, are parties to the agreement. The Postal Service relates that the agreement covers inbound Letter Post, in the form of letters, flats, small packets, and bags, and International Registered Mail service for Letter Post along with an ancillary service for delivery confirmation scanning for Letter Post small packets. *Id.* at 3–4.

Requirements under part 3010. The Postal Service states that the China Post 2011 Agreement is expected to generate financial performance improvements including, *e.g.*, delivery confirmation service, barcodes for delivery confirmation, sortations for routing, and service updates. It contends that these improvements should enhance mail efficiency and other functions for Letter Post items under the agreement. *Id.* at 5.

The Postal Service asserts that the agreement should not cause unreasonable harm in the marketplace since it is unaware of any significant competition in this market. *Id.* at 5–6.

Under 39 CFR 3010.43, the Postal Service is required to submit a data collection plan. The Postal Service indicates that it intends to report information on this agreement through its Annual Compliance Report. While indicating its willingness to provide

information on mailflows within the annual compliance review process, the Postal Service proposes that no special data collection plan be established for this agreement. With respect to performance measurement, it requests that the Commission exempt this agreement from separate reporting requirements under 39 CFR 3055.3 as determined in Order Nos. 549 and 700 for the agreements in Docket Nos. R2010–5, R2010–6, and R2011–4, respectively. *Id.* at 7.

The Postal Service advances reasons why the agreement is functionally equivalent to the previously filed China Post 2010 Agreement, TNT and HongKong Post Agreements and contains the same attributes and methodology. *Id.* at 8–10. It asserts that the instant agreement fits within the Mail Classification Schedule language for the Inbound Multi-Service Agreements with the Foreign Postal Operators 1 product. Additionally, it states that the China Post 2011 Agreement includes similar terms and conditions, *e.g.*, is with a foreign postal operator, conforms to a common description, and relates to rates for Letter Post tendered from the postal operator's territory with accompanying ancillary services. *Id.* at 9.

The Postal Service identifies specific terms that distinguish the instant agreement from the three existing agreements. These distinctions include the term, purpose of the agreement, effective date, confidentiality terms, signatory, revision of product stream rates, detailed air conveyance charges, specifications for letters, related updates, and other changes. *Id.* at 10–12. The Postal Service contends that the instant agreement is nonetheless functionally equivalent to existing agreements and “[t]he Postal Service does not consider that the specified differences affect either the fundamental service the Postal Service is offering or the fundamental structure of the contracts.” *Id.* at 12.

In its Notice, the Postal Service maintains that certain portions of the agreement, prices, and related financial information should remain under seal. *Id.* at 12; *id.* Attachment 1.

The Postal Service concludes that the China Post 2011 Agreement should be added as a functionally equivalent agreement under the Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1 product. *Id.* at 13.

II. Notice of Filing

Interested persons may submit comments on whether the Postal Service's filing in the captioned docket

is consistent with the policies of 39 U.S.C. 3622 and 39 CFR part 3010.40. Comments are due no later than August 30, 2011.³ The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints James F. Callow to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. R2011–7 to consider matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons in this proceeding are due no later than August 30, 2011.

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

By the Commission.

Shoshana M. Grove,
Secretary.

[FR Doc. 2011–22057 Filed 8–29–11; 8:45 am]

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POSTAL REGULATORY COMMISSION

[Docket No. CP2011–69; Order No. 822]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to enter into an additional agreement (referred to as Norway Post Agreement) under the “Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1” product offering. This document invites public comments on the request and addresses several related procedural steps.

DATES: *Comments are due:* August 31, 2011.

ADDRESSES: Submit comments electronically by accessing the “Filing Online” link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system

³ To provide interested persons sufficient time to comment in these proceedings, the Commission finds it appropriate to waive the 10-day comment period specified in 39 CFR 3010.44(a)(5). The modest extension will not prejudice either party to the agreement given the 45 days' advance notice required for Type 2 rate adjustments.

at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, at 202-789-6820 (case-related information) or DocketAdmins@prc.gov (electronic filing assistance).

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Notice of Filing
- III. Ordering Paragraphs

I. Introduction

On August 18, 2011, the Postal Service filed a notice, pursuant to 39 CFR 3015.5, that it has entered into an additional Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 agreement.¹ The Notice concerns a bilateral agreement for inbound competitive services with Posten Norge AS (Norway Post Agreement) that the Postal Service seeks to add to the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product.

In Order No. 546, the Commission approved the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product and a functionally equivalent agreement, Koninklijke TNT Post BV and TNT Post Pakketservice Benelux BV (TNT Agreement). The Postal Service asserts that its filing demonstrates that the Norway Post Agreement fits within the Mail Classification Schedule (MCS) language in Governors' Decision No. 10-3 originally filed in Docket Nos. MC2010-34 and CP2010-95. Notice at 2.

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

- Attachment 1—an application for non-public treatment of materials to maintain redacted portions of the agreement and supporting documents under seal;
- Attachment 2—a redacted copy of Governors' Decision No. 10-3 that establishes prices and classifications for Inbound Competitive Multi-Service Agreements with Foreign Postal Operators agreements, proposed MCS

¹ Notice of United States Postal Service of Filing Additional Functionally Equivalent Agreement, August 18, 2011 (Notice); see also Docket Nos. MC2010-34 and CP2010-95, Order Adding Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 to the Competitive Product List and Approving Included Agreement, September 29, 2010 (Order No. 546).

language, formulas for prices, certification of the Governors' vote and certification of compliance with 39 U.S.C. 3633(a);

- Attachment 3—a redacted copy of the Norway Post Agreement; and
- Attachment 4—a certified statement required by 39 CFR 3015.5(c)(2).

Norway Post Agreement. The Postal Service filed the instant contract pursuant to 39 CFR 3015.5 and in accordance with Order No. 546. The Postal Service states that the inbound air parcel post competitive services in the Norway Post Agreement conform to the proposed MCS language for Inbound Multi-Service Agreements with Foreign Postal Operators 1. The Postal Service states it will notify the mailer of the effective date within 30 days after all necessary regulatory approvals have been received. *Id.* The agreement provides that the parties will mutually agree on the effective date. *Id.* at 3; Attachment 3 at 1. The parties intend for the agreement to become effective on October 1, 2011, and to remain in effect for 1 year with the option for renewal for another year. *Id.* at 2; Attachment 3 at 1.

Functional equivalence. The Postal Service asserts that the Norway Post Agreement and the TNT Agreement incorporate the same cost and market characteristics. Notice at 3. It states that the TNT Agreement includes similar terms and conditions, e.g., is an agreement with a foreign postal operator and conforms to a common description. *Id.* Additionally, the Postal Service contends that the Norway Post Agreement is similar in cost characteristics with the TNT Agreement other than certain minor adjustments, such as expression of costs in different currencies, which are slight modifications that do not affect the agreement's functional equivalence. *Id.* It maintains that because of the limited changes, the cost characteristics are essentially the same as the TNT Agreement.²

The Postal Service identifies specific terms that distinguish the instant agreement from the existing agreement. These distinctions include the term, products, services, applicable law and dispute resolution methods. *Id.* at 3-4.

Despite some minor differences, the Postal Service asserts that the Norway Post Agreement is functionally equivalent to the TNT Agreement previously filed. *Id.* at 4.

In its Notice, the Postal Service maintains that certain portions of the agreement, prices, and related financial

² The Postal Service's Notice refers to the TNT Agreement as the "baseline agreement." *Id.*

information should remain under seal. *Id.* at 2; Attachment 1.

The Postal Service concludes that the Norway Post Agreement complies with 39 U.S.C. 3633 and is functionally equivalent to the TNT Agreement. Notice at 4. Therefore, it requests that the Commission add the Norway Post Agreement to the Inbound Competitive Multi-Service Agreement with Foreign Postal Operators 1 product. *Id.*

II. Notice of Filing

The Commission establishes Docket No. CP2011-69 for consideration of matters raised by the Postal Service's Notice.

The Commission appoints James F. Callow to serve as Public Representative in this docket.

Comments. Interested persons may submit comments on whether the Postal Service's filings in the captioned docket are consistent with the policies of 39 U.S.C. 3632, 3633 or 39 CFR part 3015. Comments are due no later than August 31, 2011. The public portions of this filing can be accessed via the Commission's Web site (<http://www.prc.gov>).

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2011-69 for consideration of the matters raised in this docket.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons in this proceeding are due no later than August 31, 2011.

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

By the Commission.

Shoshana M. Grove,
Secretary.

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POSTAL REGULATORY COMMISSION

[Docket No. A2011-50; Order No. 820]

Post Office Closing

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This document informs the public that an appeal of the closing of the Prairie Hill, Texas post office has been filed. It identifies preliminary steps and provides a procedural