



BAC 7710-FW-P

## **POSTAL REGULATORY COMMISSION**

### **39 CFR Part 3040**

**[Docket No. RM2020-8]**

#### **Update to Product Lists**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The Commission is updating the market dominant and competitive product lists. This action reflects a publication policy adopted by Commission rules. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The market dominant and competitive product lists, which are re-published in their entirety, includes these updates.

**DATES:** This rule is effective [INSERT 45 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**], without further action, unless adverse comment is received by [INSERT 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**]. If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** For additional information, this document can be accessed electronically through the Commission's website at <https://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General

Counsel, at 202-789-6800.

**SUPPLEMENTARY INFORMATION:**

- I. Introduction
- II. Background
- III. Commission Process
- IV. Authorization
- V. Modifications
- VI. Ordering Paragraphs

**I. Introduction**

Pursuant to 39 U.S.C. 3642(d) and 39 CFR 3040.103, the Commission establishes Docket No. RM2020-8 and provides a Notice of Update to Product Lists. In the instant Notice, the Commission explains the establishment of a new rulemaking docket, describes the Commission's process and authorization as it relates to updates to product lists, and provides a Notice of Update to Product Lists by listing all modifications to both the market dominant and competitive product lists between January 1, 2020, and March 31, 2020.

**II. Background**

The Commission has previously posted its Notices of Update to Product Lists as part of Docket Nos. MC2010-21 and CP2010-36.<sup>1</sup> In each notice, the Commission states that the process for the periodic publication of product list updates was established in Docket Nos. MC2010-21 and CP2010-36.<sup>2</sup> However,

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<sup>1</sup> See, e.g., Docket Nos. MC2010-21 and CP2010-36, Notice of Update to Product List, February 11, 2020; Notice of Update to Product Lists, November 6, 2019.

<sup>2</sup> See, e.g., *id.*; see also Docket Nos. MC2010-21 and CP2010-36, Order Concerning Global Reseller Expedited Package Contracts Negotiated Service Agreement, April 22, 2010 (Order No. 445).

as part of Docket No. RM2016-8, the Commission codified its process for the publication of product list updates in the **Federal Register** in 39 CFR 3040.103— Notice of Product List Change.<sup>3</sup> Among other things, 39 CFR 3040.103 describes the required content of any Notice of Update to Product Lists and its corresponding **Federal Register** document. 39 CFR 3040.103(d). As such, the Commission finds it appropriate to establish a new docket where Notices of Update to Product Lists will be posted pursuant to 39 CFR 3040.103 and the publication process described therein. The Commission also notes that a rulemaking docket, instead of a Mail Classification (MC), Competitive Product (CP) combination docket, is most appropriate for two reasons. First, a Notice of Update to Product Lists can include market dominant product list changes and not solely competitive product list changes. Second, any Notice of Update to Product Lists is published in the **Federal Register** as a direct final rulemaking that amends the Code of Federal Regulations.<sup>4</sup> For all Notices of Update to Product Lists, the Commission will consider comments on issues related to each Notice. If the Commission does not receive a significant adverse comment, the

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<sup>3</sup> Docket No. RM2016-8, Final Rule Concerning Product Lists and the Mail Classification Schedule, June 8, 2016 (Order No. 3360).

<sup>4</sup> A direct final rulemaking is an administrative process designed to efficiently finalize noncontroversial rules. See ADMINISTRATIVE CONFERENCE OF THE UNITED STATES RECOMMENDATION 95-4, PROCEDURES FOR NONCONTROVERSIAL AND EXPEDITED RULEMAKING 1 (1995), available at: <https://www.acus.gov/recommendation/procedures-noncontroversial-and-expedited-rulemaking>. In a direct final rulemaking, an agency publishes the proposed final rule in the **Federal Register**, with a statement that the rule will go into effect unless the agency receives a significant adverse comment within the period specified. See *id.*; see also *Sierra Club v. EPA*, 99 F.3d 1551, 1554 (10th Cir. 1996). If no significant adverse comments are received, the rule goes into effect. If the agency receives a significant adverse comment, the agency withdraws the direct final rule and may publish the rule as a proposed rule, with the typical notice-and-comment procedures.

product list updates in each Notice will go into effect 30 days after the date of publication of the Notice in the **Federal Register** without further action.

### **III. Commission Process**

Pursuant to 39 CFR part 3040, the Commission maintains a Mail Classification Schedule (MCS) that includes rates, fees, and product descriptions for each market dominant and competitive product, as well as product lists that categorize Postal Service products as either market dominant or competitive. See *generally* 39 CFR part 3040. The product lists are published in the Code of Federal Regulations as 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List and Appendix B to Subpart A of Part 3040—Competitive Product List pursuant to 39 U.S.C. 3642(d)(2). See 39 U.S.C. 3642(d)(2). Both the MCS and its product lists are updated by the Commission on its website on a quarterly basis.<sup>5</sup> In addition, these quarterly updates to the product lists are also published in the **Federal Register** pursuant to 39 CFR 3040.103. See 39 CFR 3040.103.

### **IV. Authorization**

Pursuant to 39 CFR 3040.103(d)(1), this Notice of Update to Product Lists identifies any modifications made to the market dominant or competitive product list, including product additions, removals, and transfers.<sup>6</sup> Pursuant to 39 CFR 3040.103(d)(2), the modifications identified in this document result from the

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<sup>5</sup> See <https://www.prc.gov/mail-classification-schedule> in the Current MCS section.

<sup>6</sup> 39 CFR 3040.103(d)(1). More detailed information (e.g., Docket Nos., Order Nos., effective dates, and extensions) for each market dominant and competitive product can be found in the MCS, including the “Revision History” section. See, e.g., file “MCSBaseline01262020.docx,” available at: <https://www.prc.gov/mail-classification-schedule>.

Commission's most recent MCS update posted on the Commission's website on April 1, 2020, and supersede all previous product lists.<sup>7</sup>

## **V. Modifications**

The following list of products are being removed from 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List:

1. Inbound Market Dominant Exprés Service Agreement 1
2. Inbound Market Dominant Registered Service Agreement 1
3. Inbound Market Dominant PRIME Tracked Service Agreement

The following list of products are being added to 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. First-Class Package Service Contract 106
2. Parcel Return Service Contract 17
3. Parcel Select Contract 37
4. Parcel Select & Parcel Return Service Contract 10
5. Priority Mail Contract 583
6. Priority Mail Contract 584
7. Priority Mail Contract 585
8. Priority Mail Contract 586
9. Priority Mail Contract 587
10. Priority Mail Contract 588
11. Priority Mail Contract 589

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<sup>7</sup> Previous versions of the MCS and its product lists can be found on the Commission's website available at: <https://www.prc.gov/mail-classification-schedule> in the MCS Archives section.

12. Priority Mail Contract 590
13. Priority Mail Contract 591
14. Priority Mail Contract 592
15. Priority Mail Contract 593
16. Priority Mail Contract 594
17. Priority Mail Contract 595
18. Priority Mail Contract 596
19. Priority Mail & First-Class Package Service Contract 139
20. Priority Mail & First-Class Package Service Contract 140
21. Priority Mail & First-Class Package Service Contract 141
22. Priority Mail & First-Class Package Service Contract 142
23. Priority Mail & First-Class Package Service Contract 143
24. Priority Mail Express & Priority Mail Contract 110
25. Priority Mail Express & Priority Mail Contract 111
26. Priority Mail Express & Priority Mail Contract 112
27. Priority Mail Express, Priority Mail & First-Class Package Service Contract 68
28. Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 1
29. Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 4

The following list of products are being removed from 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. First-Class Package Service Contract 71
2. First-Class Package Service Contract 72
3. First-Class Package Service Contract 73
4. First-Class Package Service Contract 76
5. First-Class Package Service Contract 81
6. Parcel Select & Parcel Return Service Contract 6
7. Parcel Select Contract 19
8. Parcel Select Contract 22
9. Parcel Select Contract 26
10. Parcel Select Contract 28
11. Priority Mail & First-Class Package Service Contract 38
12. Priority Mail & First-Class Package Service Contract 44
13. Priority Mail & First-Class Package Service Contract 45
14. Priority Mail & First-Class Package Service Contract 47
15. Priority Mail & First-Class Package Service Contract 51
16. Priority Mail & First-Class Package Service Contract 63
17. Priority Mail & First-Class Package Service Contract 75
18. Priority Mail & First-Class Package Service Contract 76
19. Priority Mail & First-Class Package Service Contract 82
20. Priority Mail & First-Class Package Service Contract 90
21. Priority Mail Contract 77
22. Priority Mail Contract 78
23. Priority Mail Contract 230

24. Priority Mail Contract 236
25. Priority Mail Contract 249
26. Priority Mail Contract 257
27. Priority Mail Contract 263
28. Priority Mail Contract 270
29. Priority Mail Contract 273
30. Priority Mail Contract 276
31. Priority Mail Contract 281
32. Priority Mail Contract 283
33. Priority Mail Contract 286
34. Priority Mail Contract 287
35. Priority Mail Contract 290
36. Priority Mail Contract 293
37. Priority Mail Contract 297
38. Priority Mail Contract 303
39. Priority Mail Contract 308
40. Priority Mail Contract 311
41. Priority Mail Contract 313
42. Priority Mail Contract 314
43. Priority Mail Contract 316
44. Priority Mail Contract 318
45. Priority Mail Contract 321
46. Priority Mail Contract 322

47. Priority Mail Contract 325
48. Priority Mail Contract 333
49. Priority Mail Contract 338
50. Priority Mail Contract 349
51. Priority Mail Contract 352
52. Priority Mail Contract 354
53. Priority Mail Contract 370
54. Priority Mail Contract 375
55. Priority Mail Contract 377
56. Priority Mail Contract 399
57. Priority Mail Contract 408
58. Priority Mail Contract 413
59. Priority Mail Contract 422
60. Priority Mail Contract 425
61. Priority Mail Contract 442
62. Priority Mail Contract 452
63. Priority Mail Contract 476
64. Priority Mail Contract 489
65. Priority Mail Contract 491
66. Priority Mail Contract 494
67. Priority Mail Contract 498
68. Priority Mail Contract 512
69. Priority Mail Contract 513

70. Priority Mail Contract 517
71. Priority Mail Contract 518
72. Priority Mail Contract 524
73. Priority Mail Contract 534
74. Priority Mail Contract 539
75. Priority Mail Express & Priority Mail Contract 12
76. Priority Mail Express & Priority Mail Contract 41
77. Priority Mail Express & Priority Mail Contract 42
78. Priority Mail Express & Priority Mail Contract 44
79. Priority Mail Express & Priority Mail Contract 47
80. Priority Mail Express & Priority Mail Contract 53
81. Priority Mail Express & Priority Mail Contract 54
82. Priority Mail Express & Priority Mail Contract 71
83. Priority Mail Express & Priority Mail Contract 93
84. Priority Mail Express & Priority Mail Contract 97
85. Priority Mail Express Contract 43
86. Priority Mail Express Contract 51
87. Priority Mail Express Contract 52
88. Priority Mail Express Contract 59
89. Priority Mail Express Contract 76
90. Priority Mail Express, Priority Mail & First-Class Package Service  
Contract 18

91. Priority Mail Express, Priority Mail & First-Class Package Service  
Contract 19
92. Priority Mail Express, Priority Mail & First-Class Package Service  
Contract 26
93. Priority Mail Express, Priority Mail & First-Class Package Service  
Contract 42
94. Priority Mail Express, Priority Mail & First-Class Package Service  
Contract 50
95. Priority Mail Express, Priority Mail & First-Class Package Service  
Contract 64

The above-referenced changes to the market dominant product list and the competitive product list are incorporated into 39 CFR Appendix A and B to Subpart A of Part 3040—Competitive Product List.

## **VI. Ordering Paragraphs**

*It is ordered:*

1. Part 3040 of title 39, Code of Federal Regulations, is amended as set forth below the signature of this Notice, effective 30 days after the date of publication of the Notice in the **Federal Register** without further action, unless adverse comments are received.

2. The Secretary shall arrange for publication of the Notice in the **Federal Register**.

3. Interested persons may submit adverse comments no later than 30 days from the date of the publication of this Notice in the **Federal Register**.

4. If adverse comments are received, the Secretary will publish a timely withdrawal of the Notice in the **Federal Register**.

By the Commission.

**Erica A. Barker,**

*Secretary*

### **List of Subjects in 39 CFR Part 3040**

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

### **PART 3040—PRODUCT LISTS**

1. The authority citation for part 3040 continues to read as follows:

**Authority:** 39 U.S.C. 503; 3622; 3631; 3642; 3682.

2. Revise appendix A to subpart A of part 3040 to read as follows:

#### **Appendix A to Subpart A of Part 3040—Market Dominant Product List**

(An asterisk (\*) indicates an organizational class or group, not a Postal Service product.)

#### **FIRST-CLASS MAIL\***

Single-Piece Letters/Postcards

Presorted Letters/Postcards

Flats

Outbound Single-Piece First-Class Mail International

Inbound Letter Post

**USPS MARKETING MAIL (COMMERCIAL AND NONPROFIT)\***

High Density and Saturation Letters

High Density and Saturation Flats/Parcels

Carrier Route

Letters

Flats

Parcels

Every Door Direct Mail—Retail

**PERIODICALS\***

In-County Periodicals

Outside County Periodicals

**PACKAGE SERVICES\***

Alaska Bypass Service

Bound Printed Matter Flats

Bound Printed Matter Parcels

Media Mail/Library Mail

**SPECIAL SERVICES\***

Ancillary Services

International Ancillary Services

Address Management Services

Caller Service

Credit Card Authentication

International Reply Coupon Service

International Business Reply Mail Service

Money Orders

Post Office Box Service

Customized Postage

Stamp Fulfillment Services

**NEGOTIATED SERVICE AGREEMENTS\***

Domestic\*

International\*

Inbound Market Dominant Multi-Service Agreements with Foreign Postal

Operators

**NONPOSTAL SERVICES\***

Alliances with the Private Sector to Defray Cost of Key Postal Functions

Philatelic Sales

**MARKET TESTS\***

Plus One

3. Revise appendix B to subpart A of part 3040 to read as follows:

**Appendix B to Subpart A of Part 3040—Competitive Product List**

(An asterisk (\*) indicates an organizational class or group, not a Postal Service product.)

**DOMESTIC PRODUCTS\***

Priority Mail Express  
Priority Mail  
Parcel Select  
Parcel Return Service  
First-Class Package Service  
USPS Retail Ground

**INTERNATIONAL PRODUCTS\***

Outbound International Expedited Services  
Inbound Parcel Post (at UPU rates)  
Outbound Priority Mail International  
International Priority Airmail (IPA)  
International Surface Air Lift (ISAL)  
International Direct Sacks–M-Bags  
Outbound Single-Piece First-Class Package International Service  
Inbound Letter Post Small Packets and Bulky Letters

**NEGOTIATED SERVICE AGREEMENTS\***

Domestic\*

Priority Mail Express Contract 46  
Priority Mail Express Contract 47  
Priority Mail Express Contract 48  
Priority Mail Express Contract 53  
Priority Mail Express Contract 54  
Priority Mail Express Contract 55  
Priority Mail Express Contract 56  
Priority Mail Express Contract 57  
Priority Mail Express Contract 60  
Priority Mail Express Contract 61  
Priority Mail Express Contract 62  
Priority Mail Express Contract 64  
Priority Mail Express Contract 65  
Priority Mail Express Contract 74  
Priority Mail Express Contract 75  
Priority Mail Express Contract 77  
Priority Mail Express Contract 78  
Priority Mail Express Contract 79  
Priority Mail Express Contract 80  
Parcel Return Service Contract 6  
Parcel Return Service Contract 11  
Parcel Return Service Contract 13  
Parcel Return Service Contract 14

Parcel Return Service Contract 15  
Parcel Return Service Contract 16  
Parcel Return Service Contract 17  
Priority Mail Contract 80  
Priority Mail Contract 125  
Priority Mail Contract 150  
Priority Mail Contract 153  
Priority Mail Contract 203  
Priority Mail Contract 231  
Priority Mail Contract 234  
Priority Mail Contract 237  
Priority Mail Contract 258  
Priority Mail Contract 271  
Priority Mail Contract 272  
Priority Mail Contract 274  
Priority Mail Contract 277  
Priority Mail Contract 282  
Priority Mail Contract 288  
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Priority Mail Contract 590  
Priority Mail Contract 591  
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Priority Mail Contract 593  
Priority Mail Contract 594  
Priority Mail Contract 595  
Priority Mail Contract 596  
Priority Mail Express & Priority Mail Contract 13  
Priority Mail Express & Priority Mail Contract 39  
Priority Mail Express & Priority Mail Contract 45



Priority Mail Express & Priority Mail Contract 111  
Priority Mail Express & Priority Mail Contract 112  
Parcel Select & Parcel Return Service Contract 3  
Parcel Select & Parcel Return Service Contract 7  
Parcel Select & Parcel Return Service Contract 8  
Parcel Select & Parcel Return Service Contract 9  
Parcel Select & Parcel Return Service Contract 10  
Parcel Select Contract 9  
Parcel Select Contract 20  
Parcel Select Contract 25  
Parcel Select Contract 27  
Parcel Select Contract 29  
Parcel Select Contract 32  
Parcel Select Contract 34  
Parcel Select Contract 35  
Parcel Select Contract 36  
Parcel Select Contract 37  
Priority Mail—Non-Published Rates  
Priority Mail—Non-Published Rates 1  
First-Class Package Service Contract 45  
First-Class Package Service Contract 55  
First-Class Package Service Contract 75  
First-Class Package Service Contract 78  
First-Class Package Service Contract 79  
First-Class Package Service Contract 82  
First-Class Package Service Contract 85  
First-Class Package Service Contract 87  
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First-Class Package Service Contract 101  
First-Class Package Service Contract 102  
First-Class Package Service Contract 103  
First-Class Package Service Contract 104  
First-Class Package Service Contract 105  
First-Class Package Service Contract 106  
Priority Mail Express, Priority Mail & First-Class Package Service Contract 15  
Priority Mail Express, Priority Mail & First-Class Package Service Contract 16







Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select  
Contract 4

Outbound International\*

Global Expedited Package Services (GEPS) Contracts

GEPS 3

GEPS 5

GEPS 6

GEPS 7

GEPS 8

GEPS 9

GEPS 10

Global Bulk Economy (GBE) Contracts

Global Plus Contracts

Global Plus 1C

Global Plus 1D

Global Plus 1E

Global Plus 2C

Global Plus 3

Global Plus 4

Global Plus 5

Global Plus 6

Global Reseller Expedited Package Contracts

Global Reseller Expedited Package Services 1

Global Reseller Expedited Package Services 2

Global Reseller Expedited Package Services 3

Global Reseller Expedited Package Services 4

Global Expedited Package Services (GEPS)—Non-Published Rates

Global Expedited Package Services (GEPS)—Non-Published Rates 2

Global Expedited Package Services (GEPS)—Non-Published Rates 3

Global Expedited Package Services (GEPS)—Non-Published Rates 4

Global Expedited Package Services (GEPS)—Non-Published Rates 5

Global Expedited Package Services (GEPS)—Non-Published Rates 6

Global Expedited Package Services (GEPS)—Non-Published Rates 7

Global Expedited Package Services (GEPS)—Non-Published Rates 8

Global Expedited Package Services (GEPS)—Non-Published Rates 9

Global Expedited Package Services (GEPS)—Non-Published Rates 10

Global Expedited Package Services (GEPS)—Non-Published Rates 11

Global Expedited Package Services (GEPS)—Non-Published Rates 12

Global Expedited Package Services (GEPS)—Non-Published Rates 13

Global Expedited Package Services (GEPS)—Non-Published Rates 14

Priority Mail International Regional Rate Boxes—Non-Published Rates

Outbound Competitive International Merchandise Return Service Agreement with  
Royal Mail Group, Ltd.

Priority Mail International Regional Rate Boxes Contracts

Priority Mail International Regional Rate Boxes Contracts 1

Competitive International Merchandise Return Service Agreements with Foreign Postal Operators

Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 1

Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 2

Alternative Delivery Provider (ADP) Contracts

ADP 1

Alternative Delivery Provider Reseller (ADPR) Contracts

ADPR 1

Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 1

Inbound International\*

International Business Reply Service (IBRS) Competitive Contracts

International Business Reply Service Competitive Contract 1

International Business Reply Service Competitive Contract 3

Inbound Direct Entry Contracts with Customers

Inbound Direct Entry Contracts with Foreign Postal Administrations

Inbound Direct Entry Contracts with Foreign Postal Administrations

Inbound Direct Entry Contracts with Foreign Postal Administrations 1

Inbound EMS

Inbound EMS 2

Inbound Air Parcel Post (at non-UPU rates)

Royal Mail Group Inbound Air Parcel Post Agreement

Inbound Competitive Multi-Service Agreements with Foreign Postal Operators

Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1

### **SPECIAL SERVICES\***

Address Enhancement Services

Greeting Cards, Gift Cards, and Stationery

International Ancillary Services

International Money Transfer Service—Outbound

International Money Transfer Service—Inbound

Premium Forwarding Service

Shipping and Mailing Supplies

Post Office Box Service

Competitive Ancillary Services

### **NONPOSTAL SERVICES\***

Advertising

Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)

Mail Service Promotion

Officially Licensed Retail Products (OLRP)

Passport Photo Service

Photocopying Service

Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property  
Training Facilities and Related Services  
USPS Electronic Postmark (EPM) Program

**MARKET TESTS\***

[FR Doc. 2020-08454 Filed: 5/7/2020 8:45 am; Publication Date: 5/8/2020]