



## **POSTAL REGULATORY COMMISSION**

**[Docket No. ACR2023; Order No. 6909]**

### **FY 2023 Annual Compliance Report**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Postal Service has filed an Annual Compliance Report on the costs, revenues, rates, and quality of service associated with its products in fiscal year 2023. Within 90 days, the Commission must evaluate that information and issue its determination as to whether rates were compliant and whether service standards in effect were met. To assist in this, the Commission seeks public comments on the Postal Service's Annual Compliance Report.

**DATES:** *Comments are due:* January 30, 2024. *Reply Comments are due:* February 13, 2024.

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

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

### **SUPPLEMENTARY INFORMATION:**

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#### **I. Introduction**

On December 29, 2023, the Postal Service filed with the Commission its Annual Compliance Report (ACR) for fiscal year (FY) 2023, pursuant to 39 U.S.C. 3652.<sup>1</sup> Section 3652 requires submission of data and information on the costs, revenues, rates, and quality of service associated with postal products within 90 days of the closing of each fiscal year. In conformance with other statutory provisions and Commission rules, the ACR includes the Postal Service's FY 2023 Comprehensive Statement on Postal Operations, its FY 2023 annual report to the Secretary of the Treasury on the Competitive Products Fund, and certain related Competitive Products Fund material. *See respectively*, 39 U.S.C. 3652(g), 39 U.S.C. 2011(i), and 39 CFR 3060.20–23; FY 2023 ACR at 7. In line with past practice, some of the material in the FY 2023 ACR appears in non-public annexes.

The filing begins a review process that results in an Annual Compliance Determination (ACD) issued by the Commission to determine whether Postal Service products offered during FY 2023 were in compliance with applicable title 39 requirements.

## **II. Overview of the Postal Service's FY 2023 ACR**

*Contents of the filing.* The Postal Service's FY 2023 ACR consists of a 112-page narrative; extensive additional material appended as separate folders and identified in Attachment One; and an application for non-public treatment of certain materials, along with supporting rationale, filed as Attachment Two. The filing also includes the Comprehensive Statement,<sup>2</sup> Report to the Secretary of the

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<sup>1</sup> United States Postal Service FY 2023 Annual Compliance Report, December 29, 2023, at 1 (FY 2023 ACR). Public portions of the Postal Service's filing are available on the Commission's website at <http://www.prc.gov>.

<sup>2</sup> In years prior to 2013, the Commission reviewed the Postal Service's reports prepared pursuant to 39 U.S.C. 2803 and 39 U.S.C. 2804 (filed as the Comprehensive Statement by the Postal Service) in its ACD. However, as it has for the past several years, the Commission

Treasury, and information on the Competitive Products Fund filed in response to Commission rules. This material has been filed electronically with the Commission.

*Scope of the filing.* The material appended to the narrative consists of: (1) domestic product costing material filed on an annual basis summarized in the Cost and Revenue Analysis (CRA); (2) comparable international costing material summarized in the International Cost and Revenue Analysis (ICRA); (3) worksharing-related cost studies; and (4) billing determinant information for both domestic and international mail. FY 2023 ACR at 6-7. Inclusion of these four data sets is consistent with the Postal Service's past ACR practices. As with past ACRs, the Postal Service has split certain materials into public and non-public versions. *Id.* at 7.

*"Roadmap" document.* A roadmap to the FY 2023 ACR can be found in Library Reference USPS-FY23-9. *Id.* This document provides brief descriptions of the materials submitted, as well as the flow of inputs and outputs among them; a discussion of differences in methodology relative to Commission methodologies in last year's ACD; and a list of special studies and a discussion of obsolescence, as required by Commission rule 39 CFR 3050.12. *Id.* at 7-8.

*Methodology.* The Postal Service states that it has adhered to the methodologies historically used by the Commission subject to changes identified and discussed in Library Reference USPS-FY23-9 and in prefaces accompanying the appended folders.<sup>3</sup>

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intends to issue a separate notice soliciting comments on the Comprehensive Statement and provide its related analysis in a separate report from the ACD.

<sup>3</sup> *Id.* at 8. The Commission notes that, on December 8, 2023, the Postal Service filed a motion requesting a temporary waiver of 39 CFR 3050.10 with respect to reporting disaggregated costs for USPS Ground Advantage in the FY 2023 ACR. See Motion of the United States Postal Service for Waiver of Rule 3050.10 with Respect to Disaggregated Ground Advantage Costs, December 8, 2023 (Motion). The Commission has taken the Motion under advisement. See

*Market Dominant product-by-product costs, revenues, and volumes.*

Comprehensive cost, revenue, and volume data for all Market Dominant products of general applicability are shown directly in the FY 2023 CRA or ICRA. FY 2023 ACR at 11.

The FY 2023 ACR includes a discussion by class of each Market Dominant product, including costs, revenues, and volumes, workshare discounts, and passthroughs responsive to 39 U.S.C. 3652(b), and FY 2023 promotions. *Id.* at 11-47.

*Service performance.* The Postal Service notes that the Commission adopted several revisions related to the rules on periodic reporting of service performance measurement and customer satisfaction in FY 2023.<sup>4</sup> Responsive information appears in Library Reference USPS-FY23-29. FY 2023 ACR at 48. In addition, the FY 2023 ACR discusses the Postal Service's 10-year strategic plan and postal product on-time performance. *Id.* at 48-57.

*Customer satisfaction.* The FY 2023 ACR discusses the Postal Service's approach for measuring customer experience and satisfaction; discusses survey modifications; describes the methodology; presents a table with survey results; compares the results from FY 2022 to FY 2023; and provides information regarding consumer access to postal services. *Id.* at 57-95.

*Competitive products.* The FY 2023 ACR provides costs, revenues, and volumes for Competitive products of general applicability in the FY 2023 CRA or ICRA. For Competitive products not of general applicability, data are provided in

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Order Taking Under Advisement Postal Service Motion for Waiver of Rule 39 C.F.R. § 3050.10 Regarding Disaggregated USPS Ground Advantage Cost Information, December 22, 2023 (Order No. 6894).

<sup>4</sup> *Id.* at 48. See Docket No. RM2022-7, Order Revising Rules for Periodic Reporting of Service Performance, February 9, 2023 (Order No. 6439).

non-public Library References USPS-FY23-NP2 and USPS-FY23-NP27. *Id.* at 96. The FY 2023 ACR also addresses the Competitive product pricing standards of 39 U.S.C. 3633. *Id.* at 96-107.

*Market tests; nonpostal services.* The Postal Service discusses one market dominant market test conducted during FY 2023 as well as nonpostal services. *Id.* at 108-110.

### **III. Procedural Steps**

*Statutory requirements.* Section 3653 of title 39 requires the Commission to provide interested persons with an opportunity to comment on the ACR and to appoint an officer of the Commission (Public Representative) to represent the interests of the general public. The Commission hereby solicits public comment on the Postal Service's FY 2023 ACR and on whether any rates or fees in effect during FY 2023 (for products individually or collectively) were not in compliance with applicable provisions of chapter 36 of title 39 or Commission regulations promulgated thereunder. Commenters addressing Market Dominant products are referred in particular to the applicable requirements (39 U.S.C. 3622(d) and (e) and 39 U.S.C. 3626); objectives (39 U.S.C. 3622(b)); and factors (39 U.S.C. 3622(c)). Commenters addressing Competitive products are referred to 39 U.S.C. 3633.

The Commission also invites public comment on the cost coverage matters the Postal Service addresses in its filing; service performance results; levels of customer satisfaction achieved; and such other matters that may be relevant to the Commission's review.

*Access to filing.* The Commission has posted the publicly available portions of the FY 2023 ACR on its website at <http://www.prc.gov>. Interested

persons may request access to non-public materials pursuant to 39 CFR 3011.301.

*Comment deadlines.* Comments by interested persons are due on or before January 30, 2024. Reply comments are due on or before February 13, 2024. The Commission, upon completion of its review of the FY 2023 ACR, comments, and other data and information submitted in this proceeding, will issue its ACD.

*Public Representative.* Kenneth R. Moeller is designated to serve as the Public Representative to represent the interests of the general public in this proceeding. Neither the Public Representative nor any additional persons assigned to assist him shall participate in or advise as to any Commission decision in this proceeding other than in his or her designated capacity.

#### **IV. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket No. ACR2023 to consider matters raised by the United States Postal Service's FY 2023 Annual Compliance Report.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller as an officer of the Commission (Public Representative) in this proceeding to represent the interests of the general public.

3. Comments on the United States Postal Service's FY 2023 Annual Compliance Report to the Commission are due on or before January 30, 2024.

4. Reply comments are due on or before February 13, 2024.

5. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

**Erica A. Barker,**

*Secretary.*

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