

contracts to the Notice.² Docket No. CP2008-4 has been filed pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5 and 3020.90. In support of this docket, the Postal Service has also filed materials under seal, including the Governors' decision. The Postal Service claims that "[c]ontract prices are highly confidential in the business world * * * [and that its] ability * * * to negotiate individual contracts would be severely compromised if prices for these types of agreements were publicly disclosed." *Id.* at 1-2.

The notice in Docket No. CP2008-5, announces an individual negotiated service agreement, namely, a specific GEPS contract the Postal Service has entered into with an individual mailer.³ Docket No. CP2008-5 has been filed pursuant to 39 CFR 3015.5. In support of this docket, the Postal Service has also filed materials, including the contract and supporting materials, under seal. Here the Postal Service asserts that "[t]he names of customers who enter into respective contracts and the related contract prices are highly confidential business information." *Id.* at 1.

The Postal Service's filings in these dockets are related. Docket No. CP2008-4 establishes, in essence, a shell classification, while Docket No. CP2008-5 is a specific agreement negotiated pursuant to the conditions of the shell classification. Given this interrelationship, the Commission will consolidate these proceedings for purposes of review.⁴

In Order No. 43, the Commission issued regulations establishing a modern system of rate regulation, including a list of competitive products. PRC Order No. 43, October 29, 2007, paras. 3061, 4013. Among other things, the Commission determined that each negotiated service agreement would initially be classified as a separate product. The Commission also acknowledged, however, the possibility of grouping functionally equivalent agreements as a single product if they exhibit similar cost and market characteristics. *Id.* paras. 2177 and 3001. Thus, the specific GEPS agreement filed in Docket No. CP2008-5 will be classified as a new product.

As noted above, the Postal Service filed both dockets pursuant to rule

3015.5.⁵ Recognizing that the Postal Service's filings in this consolidated proceeding (along with the concomitantly filed notices in Docket Nos. CP2008-6 and CP2008-7) represent the Postal Service's first filings involving competitive rates not of general applicability under section 3632(b)(3) of title 39, the Commission will proceed as if the GEPS negotiated service agreement also had been filed pursuant to 39 CFR part 3020, subpart B. As a consequence, the Commission will review the consolidated dockets pursuant to rule 3020.34.⁶ Because the Commission in its own discretion consolidated Docket Nos. CP2008-4 and CP2008-5 and will review them under rule 3020.34, the Postal Service may, if it wishes to do so, supplement the materials already filed with the Commission.⁷

In addition, the Commission directs the Postal Service to identify and list any contracts currently in existence (and their respective expiration dates) that would no longer qualify as GEPS contracts under the proposed revised Mail Classification Schedule language for section 2610.2 attached to the Notice in Docket No. CP2008-4. The revised language modifies the GEPS eligibility criteria by, among other things, requiring the mailer on an annual basis to mail at least 5,000 pieces (instead of 600 pieces), or pay postage of at least \$100,000 (instead of \$12,000). The Commission also directs the Postal Service to provide a detailed justification for why it believes that GEPS contracts' expiration dates (without disclosing the identity of the customer) should not be made publicly available. Answers to the Commission's questions and any supplemental materials that the Postal Service plans to provide are due no later than June 10, 2008.

Interested persons may express views and offer comments on whether the planned changes are consistent with the policies of 39 U.S.C. 3632, 3633 or 3642.

⁵ Docket No. CP2008-4 was also filed pursuant to 39 CFR 3020.90.

⁶ Filings to change or add rates not of general applicability are properly made under rule 3015.5. Postal Service filings to modify the product lists are properly made under part 3020, subpart B. Filings involving negotiated service agreements implicate both sets of rules until such time that a group of negotiated service agreements are shown to be classified properly as one product. The Commission anticipates that with experience and the adoption of the MCS, the review process will proceed relatively quickly.

⁷ The Commission characterizes the Governors' decision and associated materials filed in Docket No. CP2008-4 as material that supports the specific negotiated service agreement filed in Docket No. CP2008-5.

Comments are due no later than June 16, 2008.

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 the above-captioned docket.

It is ordered:

1. The proceedings under Docket Nos. CP2008-4 and CP2008-5 are consolidated. All future filings in the consolidated docket are to be made under Docket No. CP2008-5.

2. As set forth in the body of this order, the Postal Service is provided with an opportunity to supplement the materials already filed with the Commission. Any supplemental materials that the Postal Service wishes to provide are due no later than June 10, 2008.

3. Comments on issues in this consolidated proceeding are due no later than June 16, 2008.

4. The Commission appoints Paul L. Harrington as Public Representative to represent the interests of the general public in this proceeding.

5. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

By the Commission.

Steven W. Williams,
Secretary.

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POSTAL REGULATORY COMMISSION

[Docket No. MC2008-4; Order No. 80]

Premium Forwarding Service

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: This document announces a formal docket to consider transferring the classification of Premium Forwarding Service from the market dominant products list to the competitive products list. It solicits comments to assist in this task.

DATES: Comments due June 16, 2008.

ADDRESSES: Submit documents electronically via the Commission's Filing Online system at <http://www.prc.gov>.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202-789-6820 and stephen.sharfman@prc.gov.

SUPPLEMENTARY INFORMATION: On May 30, 2008, the Postal Service filed a request to modify the Mail Classification Schedule transferring Premium

² The draft MCS remains under review. The Commission anticipates providing interested persons an opportunity to comment on the draft MCS in the near future.

³ Notice of United States Postal Service of Filing a Global Expedited Package Service Contract (Pricing Notice).

⁴ All future filings in the consolidated docket shall be made under Docket No. CP2008-5.

Forwarding Service (PFS), which is currently classified as a market dominant product and part of the Special Services class, to the competitive products list.¹ The Request is made pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* and includes two attachments.² Rule 3020.30 allows the Postal Service to request the transfer of a product from the market dominant products list to the competitive products list. The Postal Service must provide detailed support and justification for such a request. 39 CFR 3020.31 and 3020.32. The Commission reviews the Request and the comments of interested parties under § 3020.34.

PFS provides residential postal customers with a forwarding service for their mail when they are away from their primary residences. Most mail from a customer's permanent address is forwarded once a week via Priority Mail to the customer's temporary address.³ The customer is charged a \$10 enrollment fee and a weekly fee of \$11.95.⁴ PFS is used by postal customers with multiple residences, or those on extended travel for business, or personal reasons, and recreational vehicle owners.

The Postal Service supports its Request with a Statement of Supporting Justification from Maura Robinson, Pricing Systems and Analysis Manager, at the Postal Service. The Postal Service explains that no Governors' Decision was required in this case since no change in classification or price is proposed, but merely a transfer of a product from one product list to another. Request at 1. The Postal Service also asserts that PFS will "meet the statutory cost coverage requirements" applicable to competitive products under 39 U.S.C. 3633. Attachment B at

1–2. The Postal Service further asserts that because private alternative options to PFS are available in the form of commercial mail forwarding services or informal agreements with friends that PFS properly belongs in the competitive product category. *Id.* at 3–4. The Postal Service also contends with regard to PFS that it does not have the "ability to set prices substantially above costs, raise prices significantly, decrease quality, or decrease output, without losing a significant level of business." *Id.* at 3. The Postal Service asserts the position that the "[t]ransfer of PFS to the competitive product list will ensure that its revenues are appropriately classified, since * * * PFS is provided within a competitive market." *Id.* at 5.

Pursuant to § 3020.33, the Commission provides interested persons an opportunity to express views and offer comments on whether the planned transfer is consistent with the policies of 39 U.S.C. 3633 and 3642. Comments are due no later than June 16, 2008.

Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in the above-captioned docket.

It is Ordered:

1. Docket No. MC2008–4 is established to consider the Postal Service Request referred to in the body of this order.

2. Comments are due no later than June 16, 2008.

3. The Commission appoints Kenneth E. Richardson as Public Representative to represent the interests of the general public in this proceeding.

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

By the Commission.

Steven W. Williams,
Secretary.

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon written request, copies available from: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension: Rule 15c2–11; OMB Control No. 3235–0202; SEC File No. 270–196.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995

(44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for approval of extension of the existing collection of information provided for in the following rule: Rule 15c2–11 (17 CFR 240.15c2–11).

On September 13, 1971, effective December 13, 1971 (see 36 FR 18641, September 18, 1971), the Commission adopted Rule 15c2–11 ("Rule 15c2–11" or "Rule") under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) to regulate the initiation or resumption of quotations in a quotation medium by a broker-dealer for over-the-counter ("OTC") securities. The Rule was designed primarily to prevent certain manipulative and fraudulent trading schemes that had arisen in connection with the distribution and trading of unregistered securities issued by shell companies or other companies having outstanding but infrequently traded securities. Subject to certain exceptions, the Rule prohibits brokers-dealers from publishing a quotation for a security, or submitting a quotation for publication, in a quotation medium unless they have reviewed specified information concerning the security and the issuer.

Based on information provided by Financial Industry Regulatory Authority, Inc. ("FINRA"), in the 2006 calendar year, FINRA received approximately 970 applications from broker-dealers to initiate or resume publication of covered OTC securities in the OTC Bulletin Board and/or the Pink Sheets or other quotation mediums. We estimate that (i) 80% of the covered OTC securities were issued by reporting issuers, while the other 20% were issued by non-reporting issuers, and (ii) it will take a broker-dealer about 4 hours to review, record and retain the information pertaining to a reporting issuer, and about 8 hours to review, record and retain the information pertaining to a non-reporting issuer.

We therefore estimate that broker-dealers who initiate or resume publication of quotations for covered OTC securities of reporting issuers will require 3,104 hours (970 × 80% × 4) to review, record and retain the information required by the Rule. We estimate that broker-dealers who initiate or resume publication of quotations for covered OTC securities of non-reporting issuers will require 1,552 hours (970 × 20% × 8) to review, record and retain the information required by the Rule. Thus, we estimate the total annual burden hours for broker-dealers to initiate or resume publication of quotations of covered OTC securities to

¹ Request of United States Postal Service, May 30, 2008 (Request).

² Attachment A illustrates the proposed changes to the Mail Classification Schedule. Attachment B is a Statement of Supporting Justification by Maura Robinson, Manager, Pricing Systems and Analysis for the Postal Service.

³ Mail that will be rerouted separately includes mail requiring a scan, signature, or additional postage at delivery. Express Mail articles are rerouted immediately. Priority Mail articles are rerouted separately unless shipping them in the PFS package would not delay their delivery. First-Class Mail packages that do not fit in the weekly PFS shipment will be rerouted separately. Standard Mail pieces will only be included in the PFS package if they can be accommodated in the PFS package after letters, flats or large envelopes, and magazines have been included. Otherwise, Standard Mail pieces will be shipped postage due. Parcel Post, Bound Printed Matter, Media Mail, and Library Mail pieces will not be included in the PFS package, but will be shipped postage due.

⁴ PFS is available for a minimum of two weeks and maximum of 52 weeks. Payment for the entire period of service is due with the application.