

has been extended from January 1, 2010 to March 1, 2010.

**DATES:** The Special Decision Period for FLTCIP enrollees with the automatic compound inflation option began October 1, 2009 and has been extended through February 15, 2010 for some enrollees and through March 15, 2010 for other enrollees. The latter group will be individually notified by mail regarding an error in the initial information packet they received from Long Term Care Partners pertaining to premium changes and available options. They are being provided a second information packet and additional time to make their decisions. The effective date of premium increases for enrollees with the automatic compound inflation option has been extended from January 1, 2010 to March 1, 2010. There are no changes to the Special Decision Period and effective dates for enrollees with the future purchase option.

**FOR FURTHER INFORMATION CONTACT:** Enrollees may call 1-800-LTC-FEDS (1-800-582-3337) (TTY: 1-800-843-3557) or visit [www.ltcfeds.com](http://www.ltcfeds.com). For purposes of this **Federal Register** notice only, the contact at OPM is John Cutler, Senior Policy Analyst, Strategic Human Resources Policy Division, at [john.cutler@opm.gov](mailto:john.cutler@opm.gov) or (202) 606-0004.

**SUPPLEMENTARY INFORMATION:** On October 1, 2009, OPM published a **Federal Register** Notice announcing a limited Special Decision Period for current enrollees in the Federal Employees Long Term Care Insurance Program. That notice may be found at 74 FR 50845: <http://edocket.access.gpo.gov/2009/pdf/E9-23727.pdf>.

The limited Special Decision Period is solely for current enrollees. Provisions in the October 1, 2009 **Federal Register** notice pertaining to underwriting, billing age, and premiums (other than the changes noted below) remain the same, as do other provisions in that Notice. For example, enrollees who make coverage changes outside of the Special Decision Period may be subject to full underwriting, as specified in § 875.403, and different premium calculation rules.

**Underwriting requirements:** Underwriting requirements remain unchanged, except that for a special decision period coverage change to become effective, the active workforce member must be actively at work at least one day during the calendar month immediately before the coverage effective date. For example, for an effective date of March 1, 2010, the active workforce member must be

actively at work at least one day during the month of February 2010.

**Effective date of changes to premium:** The effective date of premium increases for enrollees with the automatic compound inflation option will be March 1, 2010, or the first day of the month following approval of the request, whichever is later. However, if coverage changes result in a premium decrease, the premium decrease will be effective January 1, 2010. Billing will be adjusted retroactively as needed for coverage decreases requested after January 1, 2010.

For enrollees with the future purchase option who choose to accept the regular biennial future purchase option offer or to change their coverage, the effective date of any changes remains January 1, 2010.

**Effective date of changes to coverage:** The effective dates of coverage changes specified in the **Federal Register** notice issued October 1, 2009 remain unchanged. Coverage changes that do not require underwriting will be effective January 1, 2010, regardless of when the enrollee submits the Special Decision Period request. Coverage changes requiring underwriting will be effective January 1, 2010, or the first day of the month following approval of the request, whichever is later.

**Authority:** 5 U.S.C. 9008; 5 CFR 875.402.

Office of Personnel Management.

**John Berry,**

*Director.*

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**BILLING CODE 6325-39-P**

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## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2010-14 and CP2010-13; Order No. 351]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add a bilateral agreement with Canada Post to the Competitive Product List. A related contract affects the delivery of inbound surface parcel post and Xpresspost. This notice addresses procedural steps associated with these filings.

**DATES:** Comments are due: December 14, 2009.

**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 "FOR FURTHER INFORMATION CONTACT" by telephone for advice on alternatives to electronic filing.

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

### SUPPLEMENTARY INFORMATION:

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

#### I. Introduction

On November 25, 2009, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add the Canada Post-United States Postal Service Contractual Bilateral Agreement for Inbound Competitive Services (Bilateral Agreement) to the Competitive Product List.<sup>1</sup> The Postal Service asserts that the Bilateral Agreement is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). This Request has been assigned Docket No. MC2010-14.

The Postal Service contemporaneously filed notice, pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5, that the Governors have established prices and classifications not of general applicability for inbound competitive services as reflected in the Bilateral Agreement. More specifically, the Bilateral Agreement, which has been assigned Docket No. CP2010-13, governs the exchange of Inbound Parcel Post from Canada.

**Existing agreement.** The Postal Service acknowledges an existing bilateral agreement with Canada Post for inbound competitive services, which is set to expire at the end of calendar year 2009. *Id.* at 3. The Postal Service asserts that the proposed MCS language in Docket No. MC2010-14 "resembles the language" for the existing bilateral agreement and that the differences "reflect changes to certain operational details" including a reclassification of Canada Post's "Xpresspost-USA" product from a market dominant product to a competitive product. *Id.* The Commission reviewed and approved that bilateral agreement in Docket Nos. CP2009-9 and MC2009-8. The Commission had previously approved the "Xpresspost-USA" product as a market dominant product

<sup>1</sup> Request of United States Postal Service to Add Canada Post-United States Postal Service Contractual Bilateral Agreement for Inbound Competitive Services to the Competitive Product List, and Notice of Filing (Under Seal) the Enabling Governors' Decision and Agreement, November 25, 2009 (Request).

in Docket No. MC2009-7.<sup>2</sup> Qualifying that approval, however, the Commission noted that "Xpresspost exhibits characteristics of a competitive product." *Id.* at 7.

*Request.* In support of its Request, the Postal Service filed the following materials: (1) A redacted version of the Governors' Decision including proposed Mail Classification Schedule (MCS) language, a management analysis of the Bilateral Agreement; certification of compliance with 39 U.S.C. 3633(a) and certification of the Governors' vote;<sup>3</sup> (2) a Statement of Supporting Justification as required by 39 CFR 3020.32;<sup>4</sup> (3) a redacted version of the agreement<sup>5</sup>; and (4) an application for non-public treatment of pricing and supporting documents filed under seal.<sup>6</sup> Request at 2.

The Bilateral Agreement covers parcels arriving in the United States by surface transportation rather than air. Governors' Decision No. 09-16.<sup>7</sup> The Bilateral Agreement also covers Xpresspost, a Canadian service for documents, packets, and light-weight packages. *Id.* The Bilateral Agreement allows Canada Post to tender surface parcels and Xpresspost to the Postal Service at negotiated prices rather than the default prices set by the Universal Postal Union. *Id.*

In the Statement of Supporting Justification, Lea Emerson, Executive Director, International Postal Affairs, asserts that "[t]he addition of the [Bilateral] Agreement as a competitive product will enable the Commission to verify that the agreement covers its attributable costs and enables competitive products, as a whole, to make a positive contribution to coverage of institutional costs." Request, Attachment 2. Joseph Moeller, Manager, Regulatory Reporting and Cost Analysis, Finance Department, certifies that the contract complies with 39 U.S.C. 3633(a). *Id.*, Attachment 1. He observes that the Bilateral Agreement "should not impair the ability of competitive products on the whole to cover an appropriate share of institutional costs." *Id.*

<sup>2</sup> Docket No. MC2009-7, Order Concerning Bilateral Agreement with Canada Post for Inbound Market Dominant Services, December 31, 2008.

<sup>3</sup> Attachment 1 to the Request.

<sup>4</sup> Attachment 2 to the Request.

<sup>5</sup> Attachment 3 to the Request.

<sup>6</sup> Attachment 4 to the Request. The Postal Service erroneously noted in its Request that an Attachment 5 which contained the application for non-public treatment was filed. The application for non-public treatment is Attachment 4; there is no Attachment 5.

<sup>7</sup> See Attachment 1 to the Request.

## II. Notice of Filing

The Commission establishes Docket Nos. MC2010-14 and CP2010-13 for consideration of the Request pertaining to the proposed Canada Post-United States Postal Service Contractual Bilateral Agreement product and the related Bilateral Agreement, 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, 39 CFR part 3015, and 39 CFR 3020 subpart B. Comments are due no later than December 14, 2009. 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. MC2010-14 and CP2010-13 for consideration of the matters 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 December 14, 2009.

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

By the Commission.

**Judith M. Grady,**  
*Acting Secretary.*

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**BILLING CODE 7710-FW-S**

## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2010-13 and CP2010-12;  
Order No. 347]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service request to add Inbound International Expedited Services 1 to the Competitive Product List. The Postal Service has also filed a

related contract. This notice addresses procedural steps associated with these filings.

**DATES:** Comments are due: December 10, 2009.

**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 "FOR FURTHER INFORMATION CONTACT" by telephone for advice on alternatives to electronic filing.

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

### SUPPLEMENTARY INFORMATION:

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

#### I. Introduction

On November 20, 2009, the Postal Service filed a request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.* to add Inbound International Expedited Services 1 to the Competitive Product List.<sup>1</sup> The Postal Service asserts that Inbound International Expedited Services 1 is a competitive product within the meaning of 39 U.S.C. 3632(b)(3).

The Postal Service states that prices and classifications underlying these rates are supported by Governors' Decision No. 08-5.<sup>2</sup> *Id.* at 1-2. This Request has been assigned Docket No. MC2010-13.

The Postal Service states that Governors' Decision No. 08-5 establishes the prices for Inbound International Expedited Services 1 and the changes in classification "not of general applicability" necessary to implement those prices. *Id.* at 1.

The Postal Service contemporaneously filed notice, pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5, that it has entered into a contractual bilateral agreement governing bilateral rates for Express Mail Service (EMS) with China Post Group, the public postal operator in the People's Republic of China. The Postal Service states that the supporting financial materials included in this

<sup>1</sup> Request to Add Inbound International Expedited Services 1 to the Competitive Product List, and Notice of United States Postal Service of Filing China Post Group-United States Postal Service Contractual Bilateral Agreement (Under Seal), November 20, 2009 (Request).

<sup>2</sup> Governors' Decision No. 08-5, April 1, 2008, established prices for the inbound services offered under Express Mail International bilateral/multilateral agreements.