

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

United Parcel Service, Inc.,	)	
	)	
<i>Petitioner,</i>	)	
	)	Case No. 19-1026
v.	)	
	)	
Postal Regulatory Commission,	)	
	)	
<i>Respondent.</i>	)	

NON-BINDING STATEMENT OF ISSUES

Pursuant to this Court’s Order of February 5, 2019, petitioner United Parcel Service, Inc. (“UPS”), submits this non-binding statement of issues that may be raised in this petition for review of Postal Regulatory Commission Order No. 4963—Order Adopting Final Rules Relating To The Institutional Cost Contribution Requirement For Competitive Products, *Institutional Cost Contribution Requirement for Competitive Products*, Docket No. RM2017-1 (Jan. 3, 2019) (“Order”).

In 2006, Congress enacted the Postal Accountability and Enhancement Act, Pub. L. No. 109-435, 120 Stat. 3198, to ensure (among other things) that the U.S. Postal Service competes fairly with private companies in the parcel-delivery market. The statute requires the Postal Regulatory Commission to “ensure that all

competitive products collectively cover what the Commission determines to be an appropriate share of the institutional costs of the Postal Service.” 39 U.S.C. § 3633(a)(3). In the Order, the Commission adopted a formula-based approach that allocates only a disproportionately small percentage of institutional costs to competitive products.

UPS intends to raise the following issues:

1. Whether the Postal Regulatory Commission’s determination of the “appropriate share” of the Postal Service’s institutional costs conflicts with the language and purpose of the Postal Accountability and Enhancement Act.
2. Whether the Postal Regulatory Commission’s determination of the “appropriate share” of the Postal Service’s institutional costs was arbitrary, capricious, or otherwise not in accordance with the law.

March 7, 2019

Respectfully submitted,

/s/ Kathleen M. Sullivan

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CERTIFICATE OF SERVICE

I, Kathleen M. Sullivan, hereby certify that, on March 7, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. Registered CM/ECF users participating in the case will be served by the appellate CM/ECF system.

March 7, 2019

Respectfully submitted,

/s/ Kathleen M. Sullivan

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