

POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

August 24, 1999

Mary Elcano, General Counsel  
United States Postal Service  
Room 6004  
475 L'Enfant Plaza, S.W.  
Washington, D.C. 20260-1100

Dear Ms. Elcano,

On July 19, 1999, the Commission received a Freedom of Information Act request from the law firm of Piper & Marbury requesting a copy of the Commission's *Report to the Congress, 1998 International Mail Volumes, Costs and Revenues* (June 30, 1999), as well as a copy of "all data and information supplied by the Postal Service which the Commission used or referred to in preparing this report."

The Commission processed Piper & Marbury's request for a copy of the report itself concurrently with another Freedom of Information Act request for the same report filed by Ms. Katherine Muth on behalf of *Business Mailers Review*. The Commission had asked the Postal Service to assist it by identifying the specific portions of the report that the Postal Service believes should be exempt from disclosure under the applicable law, and the reasons for its conclusions. Letter of Cyril J. Pittack, Acting Secretary, to Mary Elcano, General Counsel, United States Postal Service, dated July 14, 1999. The Commission responded to the FOIA requests for the report by providing copies from which it had redacted most of the information that the Postal Service had identified as commercially sensitive, for essentially the reasons offered by the Postal Service. See letter of Margaret P. Crenshaw, Secretary, to Ms. Mary Elcano, General Counsel, United States Postal Service, dated July 28, 1999.

On August 4, 1999, the Commission asked the Postal Service to assist it in responding to Piper & Marbury's request for a copy of all information supplied by the Postal Service that the Commission used to prepare its report. The Commission asked the Postal Service to indicate what information the Postal Service believes should be redacted from the materials that it supplied to the Commission in Docket No. IM99-1, and the reasons for its belief. Letter of

Margaret P. Crenshaw, Secretary, to Ms. Mary Elcano, General Counsel, United States Postal Service, dated August 4, 1999.

Mr. William T. Johnstone responded on behalf of the Postal Service. With respect to the Commission's processing of FOIA requests for its international mail report, Mr. Johnstone expressed the Postal Service's belief that the Commission has acted appropriately in consulting the Postal Service, and that the Postal Service is satisfied that its views with respect to commercially sensitive information have been respected. Letter of Willam T. Johnstone, Managing Counsel, International and Ratemaking Law, to Margaret Crenshaw, Secretary, Postal Rate Commission, dated August 13, 1999.

Mr. Johnstone commented that the Postal Service's written responses to the Commission's Notices of International Mail Data Requirements could be considered Commission records. He identified specific portions of those written responses that the Postal Service believes should be redacted, and the reasons for its belief. The Commission thanks the Postal Service for this valuable assistance.

Mr. Johnstone went on to comment that the Postal Service considers the balance of the voluminous materials that it supplied in Docket No. IM99-1 to be "internal records," which the Postal Service generally regards as commercially sensitive. He describes the guidelines of the Department of Justice's Office of Information Policy for processing FOIA requests for records that originated in another agency. He argues that it would consistent with those guidelines for the Commission to refer Piper & Marbury's request for the internal records that the Postal Service has provided in Docket No. IM99-1 to the Postal Service for direct processing. Rather than indicating specific portions of these materials that the Postal Service believes should be redacted, Mr. Johnstone proposes that the these records be referred to the Postal Service for direct processing. Letter of August 13, 1999, at 3-4.

The Commission does not dispute that the procedure proposed by Mr. Johnstone might be consistent with the cited OIP guidelines. However, it believes that in this instance, the procedure described in its letter of August 4, 1999, that also is consistent with those guidelines, is preferable. Accordingly, the Commission reiterates its request that the Postal Service review all of the materials that it supplied to the Commission in Docket No. IM99-1, and identify specific portions that it believes should be redacted, and the reasons for its belief.

The Commission requests that the Postal Service provide this assistance by September 1, 1999. If, because of the volume of documents subject to this

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request, it is not feasible for the Service to complete its analysis by that date, please provide as much of this review as has been completed, and an estimate of when the full analysis will be finished.

Thank you for your cooperation in this matter.

Sincerely,



Margaret P. Crenshaw  
Secretary

cc: William T. Johnstone  
Managing Counsel, International and Ratemaking Law