

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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Mail Processing Network Rationalization  
Service Changes, 2012

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Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
MOTION FOR ACCESS TO  
NON-PUBLIC INFORMATION IDENTIFIED  
AS USPS-LR-N2012-1/NP26  
(May 21, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access Postal Service Library Reference USPS-LR-N2012-1/NP26 Materials Responsive to APWU/USPS-21(a) and APWU/USPS-22(a)

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP26 on May 16, 2012, accompanied by an Application for non-public treatment. In its Application, the Postal Service explains that "the materials covered by this application consist of service performance and business sensitive data for competitive products – Priority Mail and Express Mail."<sup>1</sup> The Postal Service states that Library Reference USPS-LR-N2012-1/NP26 contains "information for Express Mail and Priority Mail, which are classified as competitive products within Shipping Services. As competitive products, the Postal Service believes that any information regarding these products is classified as proprietary information and restricted" and would not be voluntarily published by a commercial enterprise.<sup>2</sup> The Postal Service claims that if this information were publicly disclosed it would suffer commercial harm because competitors for expedited services would be able to use this information to their advantage, "[e]ventually, this could freeze the Postal

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<sup>1</sup> Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP26 (May 16, 2012).

<sup>2</sup> Id. at 4.

Service out of the expedited market.”<sup>3</sup> The Postal Service requests that these materials “The Postal Service maintains that the nonpublic materials should be withheld from persons involved in competitive decision-making in the relevant markets for expedited products (including postal operators and private sector integrators), as well as their consultants and attorneys. Additionally, the Postal Service believes that actual or potential customers of the Postal Service for expedited services, or similar products, should not be provided access to the non-public materials.”<sup>4</sup>

The Postal Service Application for USPS-LR-N2012-1/NP26 provides no rationale for preventing actual or potential customers from accessing this material or identification of the commercial harm that would result. In addition, this category of persons is so broad that it likely excludes all parties participating in this docket from accessing and assessing this information. Furthermore, while it is true that commercially sensitive information, if disclosed to competitors, could result in commercial harm to the Postal Service, the APWU is not a competitor and poses no risk to the commercial success of the Postal Service.

APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and has participated actively in this docket. APWU has also submitted rebuttal testimony in this docket. Parties should be entitled to the material relevant to a full evaluation of the Postal Service’s plan in this docket. We believe that the information presented in USPS-LR-N2012-1/NP26 will inform our arguments on brief at the conclusion on this case.

In accordance with 39 CFR 3007.40(b), APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library Reference USPS-LR-N2012-1/NP26 as follows:

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<sup>3</sup> Id. at 5..

<sup>4</sup> Id. at 6.

Phillip A. Tabbita,  
Manager, Negotiation Support and Special Projects  
American Postal Workers Union, AFL-CIO

Darryl J. Anderson, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Barbara Zibordi  
Paralegal  
O'Donnell, Schwartz & Anderson, PC

Pierre Kacha  
Decision/Analysis Partners  
Consultant for American Postal Workers Union, AFL-CIO

Donald M. Baron  
Decision/Analysis Partners  
Consultant for American Postal Workers Union, AFL-CIO

Kyle Stamper  
Commonwealth Computer Research, Inc.  
Systems Engineer  
Decision/Analysis Partners

Sheppard Vars  
Shorter Cycles  
Consultant for American Postal Workers Union, AFL-CIO

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion and accompanying certifications today by email.

Counsel for APWU has conferred with Postal Service counsel and has been told that the Postal Service has no objection to the above named individuals accessing the materials contained in USPS-LR-N2012-1/NP26. Thus, APWU requests that the Commission waive the normal three-day waiting period required to allow the Postal

Service to object and grant immediate access to USPS Library Reference N2012-1/NP26 to the above named individuals.

**Conclusion**

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP26 be immediately granted to the above named individuals.

Respectfully submitted,

Jennifer L. Wood  
Counsel for American Postal Workers Union, AFL-CIO

## CERTIFICATION

The undersigned represents that:

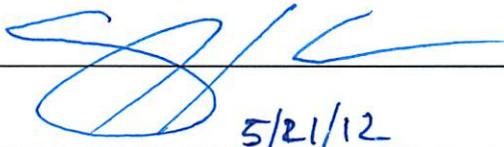
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP26** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabbita</u>
Firm	<u>APWU</u>
Title	<u>Mgr. Negotiation Support</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>5/18/2012</u>

CERTIFICATION

The undersigned represents that:

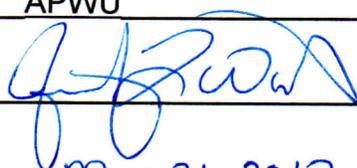
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Name	Darryl J. Anderson
Firm	O'Donnell, Schwartz & Anderson, PC
Title	Attorney
Representing	APWU
Signature	
Date	5/21/12

## CERTIFICATION

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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz and Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>May 21, 2012</u>

**CERTIFICATION**

The undersigned represents that:

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Name	Barbara Zibordi
Firm	O'Donnell, Schwartz & Anderson, PC
Title	Paralegal
Representing	APWU
Signature	<i>Barbara Zibordi</i>
Date	5/17/12

**CERTIFICATION**

The undersigned represents that:

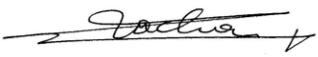
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Name Pierre Kacha

Firm decision/analysis partners

Title Consultant

Representing APWU

Signature   
\_\_\_\_\_

Date May 16, 2012

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Name	<u>Ronald M. Baron</u>
Firm	<u>Decision Analysis Partners</u>
Title	<u>Consultant</u>
Representing	<u>APWU</u>
Signature	<u>Ronald M. Baron</u>
Date	<u>5/17/2012</u>

## CERTIFICATION

The undersigned represents that:

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Name	Kyle Stamper
Firm	Commonwealth Computer Research, Inc.
Title	Systems Engineer
Representing	APWU
Signature	
Date	May 17, 2012

**CERTIFICATION**

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP26** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Sheppard Vars</u>
Firm	<u>Shorter Cycles LLC</u>
Title	<u>Sr. Consultant</u>
Representing	<u>APWU</u>
Signature	<u>Sheppard Vars</u>
Date	<u>May 17, 2012</u>