

Before the
Postal Regulatory Commission
Washington, DC 20268-0001

Competitive Product Prices)	
Priority Mail Express & Priority Mail)	Docket No. MC2014-3
Priority Mail Express & Priority Mail Contract 15)	
Competitive Product Prices)	
Priority Mail Express & Priority Mail Contract 15)	Docket No. CP2014-3
(MC2014-3))	
Negotiated Service Agreement)	

Motion of Mark Jamison Requesting Access to non-Public Materials

March 31, 2014

Pursuant to 39 C.F.R. § 3007.50, Mark Jamison respectfully requests access to material filed under seal by United States Postal Service – unredacted Governors’ Decision, Contract, and supporting data.

I am requesting access to the non- public materials for the purpose of conducting an independent evaluation of the contract to determine if it meets the terms and conditions asserted by the Postal Service in its filing. I am doing this in preparation for a review pursuant to 39 §3653, specifically the 2014 ACR. In a previous request to review unsealed materials in docket CP2014-1 the Commission ruled that my request was premature. I would suggest however that as an individual with limited resources a diligent review of several competitive dockets would be likely to take several months and that preparation for the review of FY2014 agreements and data is wholly appropriate at this time.

It is my intention to seek access to sealed material in several Commission proceedings for the purpose of reviewing compliance with not only 39 §3642 but also provisions related to CFR 39§3007.20, specifically what material and how much material is given preferential sealed treatment. In addition I will be looking at issues related to 39§101(b).

Although competitive products dockets such as this one give very little information regarding the content, scope, and parties (other than the Postal Service) my research indicates that this particular docket and what may be a sister docket CP2013-84 may be particularly illuminating.

The Postal Service opposed my request to review unsealed material in CP2014-1 and it is likely that they will offer the same objections in this instance. In anticipation of such objections I refer the Commission to my response in that matter ([Jamison response](#)). Briefly, to refresh the Commission's memory the opposition to my motion was twofold:

1. The material in question is of a confidential and commercial nature and its disclosure to me would harm the Postal Service and the contracting party.
2. My request is insufficiently specific and detailed in order to show just cause for the request.

The Postal Service offered a standard with respect to item 1. That would be insurmountable by any requestor and would thus frustrate the purpose of any procedures allowing access to sealed materials. I have included below statements indicating that I have absolutely no commercial interest nor am I involved in a business relationship with any entity in the mailing industry. I have also included the required Appendix A documentation. This unquestionably meets the requirements of the statute.

In its arguments in opposition to my previous request the Postal Service again creates a standard and a hurdle that would effectively neuter any opportunity for anyone to review sealed materials. These dockets are, by their very nature, generic and opaque. The Commission requires a detailed

statement of my intent and purpose but the word detailed must be placed in context relative to the information that is available. For example, I cannot, at this point, argue that the docket fails to meet contribution levels or make a greater assertion that these sorts of dockets generally fail to comport with the provisions of Title 39.

The purpose of my request and my investigation is as detailed as the information available permits.

The Postal Service also argued that my request failed to meet a public purpose. The website to which I contribute reporting and commentary, www.savethepostoffice.com exists purely for the purpose of providing a public service, information related to postal affairs. The website has no advertisements, accepts no remuneration, and I personally have received no recompense for the work that has appeared on the website.

The website clearly serves a public purpose. It is widely quoted including in matters before the Commission. In its [comments](#) (page 10) to the Commission in the FY2013 ACR UPS cited my previous attempts to gain access to sealed materials in a competitive products docket as an example of the problems inherent in the lack of transparency in these dockets; the very subject of my current inquiries.

I would suggest then that I meet the standards for acceptance of my request, I do not have a financial interest that would preclude access and I have offered a specific and compelling reason for my request.

I will use the materials I review only to the extent, and for the purposes authorized by Appendix A to Part 3007 of 39 C.F.R.

I have no commercial relationship with the Postal Service nor any companies or individuals doing business with the Postal Service or generally in the mailing industry.

An executed copy of the Appendix A conditions is attached.

Respectfully submitted,

Mark I. Jamison

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STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The Postal Service has filed non-public materials identified as Governor's decision, contract, supporting data in Commission Docket No. CP2014-3/MC2014-3. The Postal Service (or a third party) requests confidential treatment of the materials (hereinafter "these materials").

The following protective conditions limit access to these materials identified as Governor's decision, contract, supporting data by the Postal Service (or third party). Each person seeking to obtain access to these materials must agree to comply with these conditions, complete the attached certifications, and provide the completed certifications to the Commission and counsel for the Postal Service.

1. Access to these materials is limited to a person as defined in rule 5(f), 39 CFR 3001.5(f), or an individual employed by such person, or acting as agent, consultant, contractor, affiliated person, or other representative of such person for purposes related to the matter identified as Priority Mail Express & Priority Mail Contract 15 Docket CP2014-3/MC2014-3. However, no person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information shall be granted access to these materials. "Involved in competitive decision-making" includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with a person or entity having a proprietary interest in the protected material.
2. No person granted access to these materials is permitted to disseminate them in whole or in part to any person not authorized to obtain access under these conditions.
3. Immediately after access has terminated under rule 39 CFR 3007.41 or 3007.51, a person (and any individual working on behalf of that person) who has obtained a copy of these materials shall certify to the Commission:
 - (a) That the copy was maintained in accordance with these conditions (or others established by the Commission); and
 - (b) That the copy (and any duplicates) either have been destroyed or returned to the Commission.

4. The duties of each person obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically, or otherwise, by any means, format, or medium. These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.
5. All persons who obtain access to these materials are required to protect the document by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.
6. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in the matter identified as Priority Mail Express & Priority Mail Contract 15 Docket CP2014-3/ MC2014-3.
7. The duty of nondisclosure of each person obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 9 and 10, below.
8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.
9. Any written materials that quote or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.
10. If a court or other administrative agency subpoenas or orders production of confidential information which a person has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within 2 business days) notify the Postal Service of the pendency of the subpoena or order to allow it time to object to that production or seek a protective order.

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Priority Mail Express & Priority Mail Contract 15 Docket CP2014-3/MC2014-3 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 _____. 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 Mark I. Jamison
Firm Private Individual
Title N/A
Representing Self



Signature ____

Date ____ March 30, 2014

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as _____ by the Postal Service has been terminated.

I certify that I have destroyed or returned to the Commission, all materials subject to protective conditions, relevant to the above matter. I also certify that these materials were maintained in accordance with the established protective conditions.

Name _____

Firm _____

Title _____

Representing _____

Signature _____

Date _____