Postal Regulatory Commission
Submitted 3/2/2018 4:17:35 PM
Filing ID: 104056
Accepted 3/2/2018

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

STATUTORY REVIEW OF THE SYSTEM FOR REGULATING RATES AND CLASSES FOR MARKET DOMINANT PRODUCTS	)))	Docket No. RM2017-3

UNOPPOSED MOTION OF ALLIANCE OF NONPROFIT MAILERS, ASSOCIATION FOR POSTAL COMMERCE, AND MPA—THE ASSOCIATION OF MAGAZINE MEDIA FOR ACCESS TO NONPUBLIC DOCUMENT

(March 2, 2018)

Pursuant to 39 C.F.R. § 3007.40, Alliance of Nonprofit Mailers, Association for Postal Commerce, and MPA—The Association of Magazine Media, respectfully request access to the non-public version of Appendix A to the comments filed by the Postal Service in this docket on March 1, 2018. In Order No. 3848 (April 5, 2017), the Commission granted the same parties access to an earlier version of the same document filed by the Postal Service as a nonpublic appendix to its March 2017 comments in Phase 1. The Postal Service has authorized us to state that it does not object to this motion.

According to the Postal Service, the appendix "contains two charts projecting the Postal Service's losses and liquidity over five years, assuming the continuation of the current system or, alternatively, the addition of 2 percentage points of supplemental rate authority." Notice of the USPS of Filing Non-Public Materials (March 1, 2018). The Postal Service uses Appendix A to support the Postal Service's claimed need for more money than

the current system of regulation allows, or the alternative system proposed in Order No. 4258 would allow. Initial Comments of the USPS in Response to Order No. 4258 (March 1, 2018) at 7-8, 54-55, 63-64, 66 n. 170, 68 n. 173, 70 n. 175. The Postal Service has redacted, however, most of the contents of Appendix A.

The Postal Service's alleged need for above-CPI rate increase is a central issue in this case. Accordingly, the undersigned parties request that the Commission authorize the following four individuals to review the nonpublic version of Appendix A:

Sander Glick, vice president, SLS Consulting, Inc.

Peter M. Kiesel, consultant, SLS Consulting, Inc.

Matthew D. Field, partner, Venable LLP

David M. Levy, partner, Venable LLP

These four proposed reviewing representatives satisfy all of the restrictions on access requested by the Postal Service in section (6) of its March 20, 2017 application for nonpublic treatment of the an earlier version of the appendix. None of these individuals are "involved in competitive decision-making in the market for parcel and expedited services." None are involved in representing postal labor organizations or other suppliers to the Postal Service. Attached are executed declarations by the four individuals committing to their compliance with the terms of the protective conditions previously established by the Commission to limit the disclosure and use of the sealed material.

Respectfully submitted,

/s/

Matthew D. Field
Ian D. Volner
VENABLE LLP
600 Massachusetts Avenue, N.W.
Washington DC 20001
(202) 344-8281
mfield@venable.com
idvolner@venable.com

Counsel for Association for Postal Commerce

David M. Levy
Eric S. Berman
VENABLE LLP
600 Massachusetts Avenue, N.W.
Washington DC 20001
(202) 344-4732
dlevy@venable.com
esberman@venable.com

Counsel for Alliance of Nonprofit Mailers and MPA–The Association of Magazine Media

March 2, 2018

STATEMENT OF COMPLIANCE
WITH PROTECTIVE CONDITIONS

This Statement of Compliance concerns the non-public versions of Appendix A to the comments filed by the United States Postal Service ("USPS" or "Postal Service") on March 1, 2018, in Commission Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*. The Postal Service has requested confidential treatment of the materials (hereinafter "these materials").

The following protective conditions limit access to these materials. 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 matters identified as Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*. 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 C.F.R. §§ 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 matters identified as Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*.

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 the nonpublic versions of Appendix A to the March 1, 2018 comments of the United States Postal Service in Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*, 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 Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*. 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.

Signature: _____

Matthew D. Field
Partner, Venable LLP
(representing Association for Postal Commerce)

March 2, 2018

CERTIFICATION

The undersigned represents that:

Access to the nonpublic versions of Appendix A to the March 1, 2018 comments of the United States Postal Service in Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*, 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 Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*. 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.

Signature: Sander Glick

Sander Glick
Vice President, SLS Consulting
(representing Alliance of Nonprofit Mailers and
MPA—Association of Magazine Media)

March 2, 2018

CERTIFICATION

The undersigned represents that:

Access to the nonpublic versions of Appendix A to the March 1, 2018 comments of the United States Postal Service in Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*, 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 Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*. 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.

Signature: _____

Peter M. Kiesel
Consultant, SLS Consulting
(representing Alliance of Nonprofit Mailers and MPA—Association of Magazine Media)

March 2, 2018

CERTIFICATION

The undersigned represents that:

Access to the nonpublic versions of Appendix A to the March 1, 2018 comments of the United States Postal Service in Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*, 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 Docket No. RM2017-3, *Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products*. 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.

Signature: David M. Levy

David M. Levy
Partner, Venable LLP
(representing Alliance of Nonprofit Mailers and MPA—Association of Magazine Media)

March 2, 2018